

# VILLAGE OF WATKINS GLEN LOCAL WATERFRONT REVITALIZATION PROGRAM

---

Adopted:

Village of Watkins Glen, Village Board of Trustees, September 20, 2016

Approved:

NYS Secretary of State, Rossana Rosado, November 6, 2017

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

November 6, 2017

Honorable Sam Schimizzi  
Mayor  
Village of Watkins Glen  
303 North Franklin Street  
Watkins Glen, NY 14891

Dear Mayor Schimizzi:

I am pleased to inform you that I have approved the Village of Watkins Glen Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Everyone who participated in the preparation of the LWRP is to be commended for developing such a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of valuable waterfront resources along the Seneca Canal system including part of the Chemung Canal, Seneca Lake, Queen Catherine Marsh, and Catherine Creek. Congratulations on a job well done.

I am notifying all State agencies that I have approved the Village of Watkins Glen LWRP and advising them that agency activities must now be undertaken in a manner consistent, to the maximum extent practicable, with the LWRP.

The approved Village of Watkins Glen LWRP will be available on the website of the Department of State, at [http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP\\_status.html](http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html).

If you have any questions, please contact Renee Parsons, the LWRP Coordinator within the Office of Planning, Development & Community Infrastructure, at (518) 473-2461.

Sincerely,



Rossana Rosado  
Secretary of State



**Department  
of State**

**Village of Watkins Glen  
Resolution of the Village Board of Trustees  
Adopting the  
Local Waterfront Revitalization Program**

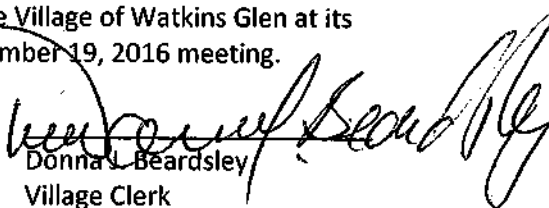
WHEREAS, the Village of Watkins Glen initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared in collaboration with and circulated by the Department of State to potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Village of Watkins Glen Board of Trustees, as lead agency, filed a Negative Declaration - Notice of Determination of Non-Significance on October 14, 2015 for preparation of the Local Waterfront Revitalization Program, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);

NOW, THEREFORE, BE IT RESOLVED, that the Village of Watkins Glen Local Waterfront Revitalization Program is hereby adopted, and that the Mayor Sam Schimizzi is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

I, Donna J. Beardsley, hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Board of Trustees of the Village of Watkins Glen at its September 19, 2016 meeting.

  
Donna J. Beardsley  
Village Clerk

Dated: September 20, 2016  
Resolution No.: 16 - 09 - 29



Photo Provided By: Watkins Glen Area Chamber of Commerce



## Table of Contents

<b>INTRODUCTION .....</b>	<b>1</b>
What is a Local Waterfront Revitalization Program (LWRP)? .....	1
LWRP Structure .....	1
<b>SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY .....</b>	<b>1</b>
<b>SECTION II: INVENTORY AND ANALYSIS OF WATERFRONT RESOURCES .....</b>	<b>1</b>
2.1 Village of Watkins Glen Regional Setting .....	1
2.2 LWRP Vision and Key Waterfront Issues .....	1
2.3 Village History and Planning Efforts .....	3
2.4 Finger Lakes Region .....	4
2.5 Seneca Lake and the New York State Canal System .....	5
2.6 Southern Tier Regional Economic Development Council Strategy .....	8
2.7 Land and Water Uses .....	9
Central Lakefront Area of WRA .....	9
Eastern Lakefront Area of WRA .....	10
Canal Area of WRA .....	10
Western Lakefront Area of WRA .....	11
2.8 Zoning and Allowed Uses by Areas within WRA .....	12
2.9 Land Ownership .....	13
Underwater Lands .....	14
2.10 Public Access and Recreation .....	14
Central Lakefront Area - Seneca Harbor Park and Village Marina .....	15
Eastern Lakefront Area - Clute Memorial Park and Tank Beach .....	15
Canal Area Facilities .....	16
No Discharge Zone .....	18
Fishing and Scuba Diving .....	20
Mixed-use Trails .....	20
Bird Watching, Hunting, and Nature Study .....	21
2.11 Historic Resources .....	22
2.12 Infrastructure .....	23
Drinking Water Supply .....	23
Sewage Disposal System .....	23

Solid Waste Disposal .....	24
Transportation System and Parking .....	24
Utilities .....	25
2.13 Topography and Geology .....	26
2.14 Environmentally Sensitive Features .....	27
Wetlands .....	28
Ecological Communities .....	29
Aquatic Life Resources .....	30
2.15 Water Quality .....	31
<b>SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES .....</b>	<b>1</b>
Developed Waterfront Policies .....	1
Policy 1 .....	1
Policy 2 .....	6
Policy 3 .....	8
Natural Waterfront Policies .....	9
Policy 4 .....	9
Policy 5 .....	12
Policy 6 .....	15
Policy 7 .....	17
Policy 8 .....	18
Public Waterfront Policies .....	19
Policy 9 .....	19
Working Waterfront Policies .....	21
Policy 10 .....	21
Policy 11 .....	23
Policy 12 .....	24
Policy 13 .....	24
<b>SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS .....</b>	<b>1</b>
4.1 Proposed Land Uses .....	1
Central Lakefront Area of WRA .....	1
Eastern Lakefront Area of WRA .....	2
Western Lakefront Area of WRA .....	2
Canal Area of WRA .....	2

4.2	Proposed Water Uses .....	2
4.3	Proposed Projects .....	3
1.	Project Seneca – Implementation of the Lakefront Development Plan .....	4
2.	Updating Local Plans .....	4
3.	Regional Wastewater Treatment Plant.....	5
4.	Redevelopment of Future Former Wastewater Treatment Plant Site .....	5
5.	Streetscape Improvements and Landscape Design Guidelines .....	6
6.	Lighting Upgrades, Lighting Plan for Consistent Appearance.....	6
7.	Sidewalk Upgrades and Repairs .....	6
8.	Information Kiosks .....	7
9.	Public Artwork.....	7
10.	Northern Gateway Improvements.....	7
11.	North Clute Park Improvements .....	8
12.	South Clute Park Improvements .....	9
13.	Improved Trail through the Queen Catharine Marsh .....	10
14.	Improved Linkages to Long Distance Hiking Trails.....	10
15.	Lakefront Multi-Purpose Pathway .....	10
16.	Off-street Parking Options Study and Implementation .....	11
17.	Shoreline Stabilization and Repair .....	11
18.	Housing stock improvements & appearance .....	12
19.	Watkins Glen Regulations .....	12
20.	Improvements to Existing Parks and Trails .....	12
<b>SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM .....</b>		<b>1</b>
5.1	Local Laws Necessary to Implement the LWRP .....	1
	Existing Zoning Law .....	1
	Proposed LWRP Consistency Review Law.....	2
5.2	Other Public and Private Actions Necessary to Implement the LWRP .....	2
	Private Actions .....	2
	Village Actions.....	3
	Schuyler County Actions .....	3
	New York State Agencies .....	3
5.3	Management Structure Necessary to Implement the LWRP.....	3
5.4	Financial Resources Necessary to Implement the LWRP .....	5

<b>SECTION VI: STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION .....</b>	<b>1</b>
6.1    State Actions and Programs Which Should Be Undertaken in a Manner Consistent With the LWRP ....	1
6.2    State and Federal Actions and Programs Necessary to further the LWRP .....	15
State Agencies.....	15
Federal Agencies .....	16
<b>SECTION VII: LOCAL COMMITMENT AND CONSULTATION .....</b>	<b>1</b>
7.1    Local Commitment.....	1
7.2    Consultation .....	1
<b>APPENDIX A: DRAFT LWRP CONSISTENCY REVIEW LAW .....</b>	<b>1</b>
<b>APPENDIX B: VILLAGE OF WATKINS GLEN ALLOWED USES WITHIN WRA .....</b>	<b>1</b>
<b>APPENDIX C: CANAL REGULATIONS AND STANDARDS FOR DOCKS ON THE CANAL SYSTEM .....</b>	<b>1</b>
<b>APPENDIX D: AUTHORIZED ACTIVITIES AND U.S.A.C.E. BUFFALO DISTRICT PERMITS.....</b>	<b>1</b>
<b>APPENDIX E: PROJECT SENECA - LAKEFRONT DEVELOPMENT PLAN .....</b>	<b>1</b>
<b>APPENDIX F: LAWS OF NEW YORK, 1918 – VILLAGE CHARTER .....</b>	<b>1</b>
<b>APPENDIX G: GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS .....</b>	<b>1</b>

# INTRODUCTION

## What is a Local Waterfront Revitalization Program (LWRP)?

A Local Waterfront Revitalization Program (LWRP) is a locally prepared comprehensive land and water use plan and strategy to implement the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act at local level and protect the municipality's natural, public, and developed waterfront resources. A LWRP<sup>1</sup> is prepared with assistance from the New York State Department of State (DOS) in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law). A LWRP includes an inventory of local conditions, examines local issues, and articulates waterfront development policies and objectives. A LWRP also outlines specific projects to encourage environmental protection, foster economic development, protect valuable water resources, and improve public waterfront accessibility. More importantly, the LWRP establishes a process to ensure that all actions proposed for a municipality's waterfront revitalization area are consistent with the policies and goals of the LWRP. This consistency review provision is a tool that is intended to create dialog and encourage coordination and cooperation between state, federal, and local governments, as well as private sector interests, to build a strong economy and a healthier waterfront environment. Once completed and approved by the New York State Secretary of State, a municipality has in place the local controls to guide waterfront development and the legal ability to ensure that all local and State actions proposed within the Watkin Glen WRA are consistent with the LWRP policies, a distinct benefit of a LWRP.

## LWRP Structure

With this LWRP, the Village of Watkins Glen is prepared to cooperatively take on the challenges of the 21<sup>st</sup> century – to embrace economic change and further enhance the Finger Lakes region as a highly desirable place to not only visit, but to live, work and play. To achieve its goals, the Village of Watkins Glen has turned its energy and resources to one of the region's most unique and valuable assets, its broad and diverse waterfront.

For many in the community, the waterfront represents the past as well as the future, and an opportunity to capitalize on existing strengths while moving forward. The key will be to balance Watkins Glen's authenticity with new ideas as new residents continue to move into the community.

The Village of Watkins Glen LWRP includes seven sections and appendices summarized below.

### **Section I: Waterfront Revitalization Area Boundary**

This section describes the boundary of the local Waterfront Revitalization Area (WRA) covered by the Watkins Glen LWRP, and includes a boundary map.

---

<sup>1</sup> <http://www.dos.ny.gov/opd/programs/lwrp.html>

## **Section II: Inventory and Analysis**

This section describes the existing natural and man-made conditions within the Watkins Glen WRA, and includes an analysis of opportunities and constraints to protect local waterfront resources while promoting further development of the WRA.

## **Section III: Waterfront Revitalization Policies**

This section presents the waterfront revitalization policies that guide waterfront actions that promote an appropriate balance between economic growth and environmental protection within WRA. These policies take into consideration the physical, economic, environmental and cultural characteristics of WRA. The policies serve as the basis for local and state consistency determinations for activities proposed within, or affecting, the Watkins Glen WRA. No policy is more significant than another.

## **Section IV: Proposed Land and Water Uses and Proposed Projects**

This section describes proposed land and water uses for the community, and includes a range of proposed projects the Village of Watkins Glen would like to pursue to implement their LWRP, and increase the community's ability to attract development activities that will take best advantage of the unique cultural and natural resources.

## **Section V: Techniques for Local Implementation**

This section describes the local laws, management structure, and financial resources necessary to implement the policies and proposed uses set forth in Sections III and IV of the LWRP.

## **Section VI: State and Federal Actions and Programs Likely to Affect Implementation of the LWRP**

This section consists of a list of State actions and programs which must be undertaken in a manner consistent with the Watkins Glen LWRP. It also include a list of specific state and federal actions that will be necessary for the implementation of some of the proposed projects.

## **Section VII: Local Commitment and Consultation**

The actions of adjacent municipalities, and regional and state agencies, have the potential to affect or be affected by the Watkins Glen LWRP. This section summarizes the actions taken by the Village of Watkins Glen to obtain local input and support for its LWRP, and the efforts made by the Village of Watkins Glen to involve and/or inform other agencies regarding the development of this LWRP.

## **APPENDIX A: LWRP CONSISTENCY REVIEW LAW**

## **APPENDIX B: VILLAGE OF WATKINS GLEN ALLOWABLE USES**

## **APPENDIX C: CANAL REGULATIONS AND STANDARDS FOR DOCKS ON THE CANAL SYSTEM**

## **APPENDIX D: AUTHORIZED ACTIVITIES AND U.S.A.C.E. BUFFALO DISTRICT PERMITS**

## **APPENDIX E: PROJECT SENECA - LAKEFRONT DEVELOPMENT PLAN**

## **APPENDIX F: LAWS OF NEW YORK, 1918 – VILLAGE CHARTER**

## **APPENDIX G: GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS**

## SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY

The Waterfront Revitalization Area (WRA) covered by the Village of Watkins Glen Local Waterfront Revitalization Program (LWRP) encompasses portions of Seneca Lake, Seneca Canal, Queen Catharine Marsh, and lands immediately adjacent to the lake and east of the existing and former Conrail railroad right-of-way, all of them located within the municipal boundary of the Village of Watkins Glen, as illustrated in Figure 1.

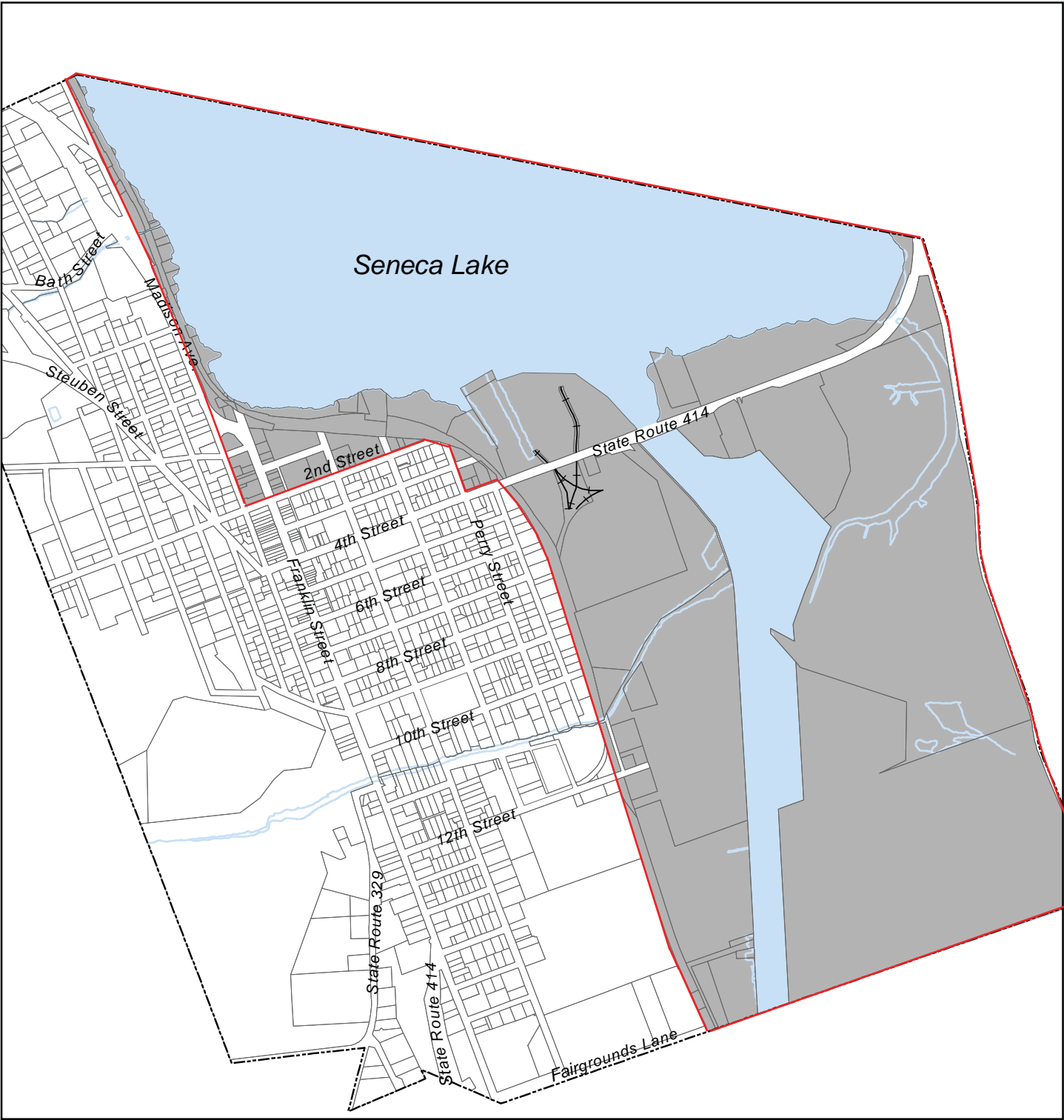
The boundary of the Watkins Glen WRA begins at the point of intersection of North Madison Avenue with the northern boundary of Watkins Glen with the Town of Reading;

- then, continues in a general southeastern direction along North Madison Avenue to a point of intersection with East Second Street, where it turns in a general east-northeast direction;
- then, continues along East Second Street to the point of intersection with the Conrail right-of-way, where it turns in a general southeast direction;
- then, continues along the Conrail right-of-way to a point of intersection with North Perry Street, where it turns in a south-southeast direction;
- then, continues along North Perry Street to a point of intersection with East Fourth Street, where it turns in a general northeast direction
- then, continues along East Fourth Street to a point of intersection with the Conrail railroad right-of-way, where it turn in a south-southeast direction;
- then, continues along the current and former Conrail railroad right-of-way to a point of intersection with the Village's southern boundary;
- then, continues in a northeast direction along the municipal boundary of the Village;
- then, continues to follow the municipal boundary of the Village in a northwestern direction to a point of intersection with the Seneca Lake shoreline;
- then, continues along the municipal boundary of the Village across Seneca Lake, to the point of origin.

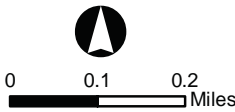
Appendix F includes the Village Charter, which describes the Village of Watkins Glen municipal boundary.



Figure 1: Watkins Glen Waterfront Revitalization Area



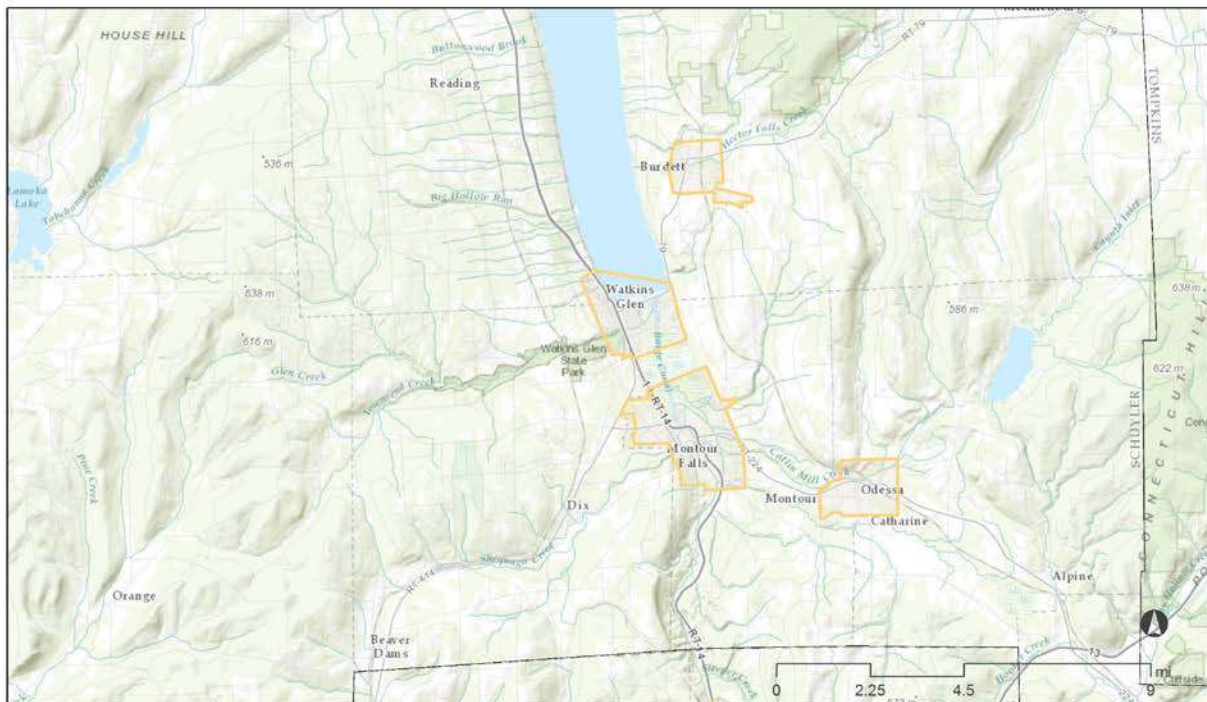
- Village of Watkins Glen
- Water
- Roads
- Railroad
- Parcels
- LWRP Area
- Seneca Lake and Seneca Canal



## SECTION II: INVENTORY AND ANALYSIS OF WATERFRONT RESOURCES

### 2.1 Village of Watkins Glen Regional Setting

The Village of Watkins Glen is located at the southern tip of Seneca Lake, within the center of Schuyler County, approximately 25 miles northwest of Corning, 23 miles west of Ithaca, and 28 miles north of Elmira. Watkins Glen is the largest urban area in Schuyler County and serves as the county seat. Its shoreline stretches for over 2.8 miles along the southern end of Seneca Lake and Seneca Canal. In 2010, the village had approximately 1,859 residents.



Source: NYS DOS Geographic Information Gateway

### 2.2 LWRP Vision and Key Waterfront Issues

The steering committee has developed the following vision for the Watkins Glen LWRP:

*“To direct development of the village waterfront in an appropriate and balanced manner for the promotion of economic development, the protection of natural resources, the protection and enhancement of community character, and the promotion of a pro-active environment within which both business and recreation can be used to their maximum potential in order to enhance the experience that is the Village of Watkins Glen for both visitors and residents alike”.*

Based on the local conditions identified during the planning process and the input from public and committee meetings, the following have been identified as key issues to be addressed by the Village of Watkins Glen LWRP:

- 1) How and where to develop improved public access, and related recreational and tourism opportunities in or near the waterfront park areas; especially those owned by the Village and the County. This would include the potential for reestablishing marina facilities behind, and potentially expanding, the middle of three breakwaters located at the southern end of Seneca Lake.
- 2) How to improve visual and pedestrian integration between the waterfront and community/business district, in order to maximize exposure and accessibility to both areas.
- 3) Can efforts be made to capitalize on the recreational boating opportunities offered by the lake and canal? By improving business services offered to seasonal and transient boaters, economic advantages may be realized by local business.
- 4) What efforts can be undertaken to develop a plan for retention and attraction of a better mix of business (retail, commercial, and accommodations) in order to capitalize on proximity to lake and waterfront activities?
- 5) There is an inherent need to preserve environmentally sensitive features of the area as well as historic and cultural assets. How can the Village develop strategies to capitalize on business opportunities for these assets?
- 6) What kind of efforts can augment and enhance public amenities as well as infrastructure needed to encourage private development in this area?
- 7) In order to support expanded business and economic growth, how can the Village provide for greater utilization and redevelopment of vacant and underutilized industrial and commercial land and structures?
- 8) By improving the overall appearance and upkeep of the district, and developing an “image” of what the waterfront could and should be, the Village may benefit from increased tourism and economic activity, benefiting the entire community. Efforts could include items such as the formation of design guidelines and increased enforcement of village codes.
- 9) There is a perceived parking problem within the business district, as well as substantial traffic generated on main streets through the waterfront area during the tourist season. By developing a village wide parking and traffic plan, efforts could be undertaken to increase parking availability and efficient traffic flow within the waterfront area. Priority effort will be to address need for traffic calming, pedestrian safety and beautification efforts at Northern and Eastern Gateways into Village along State Routes 14 and 414 respectively. Efforts will also be undertaken to reduce truck traffic through the Village, primarily through work with area industries and regulatory measures by NYSDOT.

- 10) The construction, maintenance and improvements to shoreline stabilization measures can help to ensure continued optimal access and enjoyment of the lake and waterfront areas.
- 11) The water quality of Seneca Lake has a direct impact on the enjoyment of related recreational activities. The Village must continue to address non-point source pollution problems that threaten recreation, navigation and aquatic habitat within the Lakefront Development District, including storm sewer discharges into the Lake.
- 12) Due to the location of the railway within the waterfront district, access directly to the waterfront can be a challenge. The County and Village need to define and clarify the legal status of access to public and private properties at rail crossings and within the rail ROW. There is also a need to secure and widen a right of way into the Central Lakefront sub-area from State Route 414 east of the Finger Lakes Railway right of way via cooperation with Cargill. This would afford access to the waterfront without the need for a railway crossing.

## 2.3 Village History and Planning Efforts



*Photo Provided By: Schuyler County Historical Society*

In 1828, Dr. Samuel Watkins developed a plan for a village at the southern end of Seneca Lake. He built the Jefferson Hotel and encouraged settlement in the area. The Village, originally known as Savoy, Salubria or Culverstown, was incorporated in 1842 under the name of Jefferson. In 1852, its name changed to Watkins, and was subsequently changed in 1926, to Watkins Glen. Appendix F includes the act of incorporation.

The construction of the Chemung Canal began in 1829 and lasted four years. The new canal, now part of the Seneca Canal, initiated a new era of commercial activity and industrial prosperity for the entire county. The canal was 23 miles long from Seneca Lake to the Chemung River. Seneca Lake connected to the Erie Canal, the Oswego Canal, and ultimately Lake Ontario via the Seneca and Cayuga Canals.

The 1800s were a time of great industrial and commercial activity. Hundreds of men and women came to Schuyler County seeking jobs. Boat building became the leading industry. Saw mills were erected to supply heavy timbers for docks, as well as planking and lumber for boats and buildings. The Seneca Lake Steam Navigation Company was headquartered here. The first steamboat to ever ply the water of Seneca Lake was the “Seneca Chief” built in Geneva in 1828. The Seneca Chief brought Governor Dewitt Clinton on his triumphant journey over the Erie Canal from Albany to Buffalo when the canal opened.



Watkins Glen State Park first known as Freer's Glen<sup>2</sup>, opened to the public in 1863. In 1906 it became a state park with no admission charge. In 1924 it became one of the Finger Lakes State Parks. This park, located outside the Watkins Glen WRA, attracts numerous visitors that impact the uses and resources located within WRA.

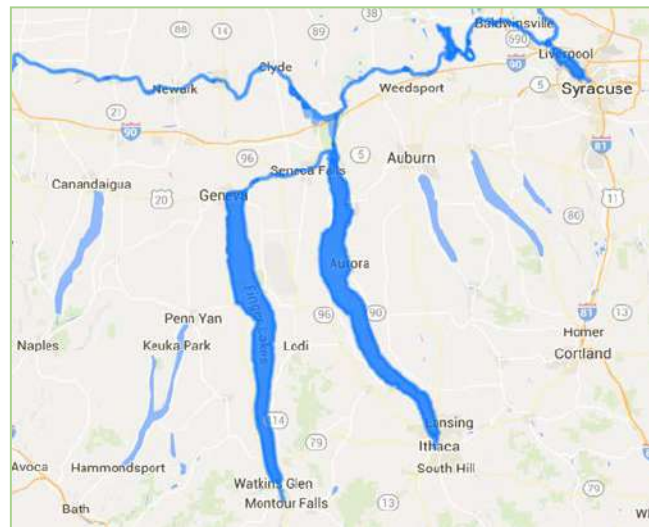
In 2005, Schuyler County Partnership for Economic Development (SCOPED) developed a business district improvement strategy for the villages of Watkins Glen and Montour Falls. In 2008 SCOPED applied to ARC for funding to update the Downtown Improvement Strategy's recommendations.

Specific issues which were studied include:

- The current retail, recreational and entertainment mix
- Physical infrastructure, including parking and signage
- Traffic flow
- Key shopping sectors for residents, regional residents, sports car enthusiasts and tourists
- Retail growth opportunities presented by visitors to local wineries, the growing number of lake residents and overnight visitors
- The impact of regional retail plazas and the new Wal-Mart shopping center on the business district
- Strategies to occupy vacant storefronts
- Resources to promote the districts, including special assessment Business Improvement Districts or other organizational structures
- Appropriate roles for project participants in short- and long-range revitalization efforts

## 2.4 Finger Lakes Region

Seneca Lake is the largest, deepest, and most centrally located of the eleven Finger Lakes, which fan out from Conesus Lake on the West to Otisco Lake on the East. The fourteen counties surrounding these lakes are collectively known as the Finger Lakes Region and comprise one of New York State's designated "Vacationlands." Native American mythology holds that God created the Finger Lakes by pressing a hand into the earth's surface. Area names pay homage to the six tribes that comprised the Iroquois Nation: Cayuga, Mohawk, Onondaga, Oneida, Seneca and Tuscarora.



The region's popularity as a vacation destination dates from the late nineteenth century. Although the Finger Lakes Region extends from Lake Ontario south to the Pennsylvania, the primary vacation area's northern border reaches Interstate 90 and State Route 17 defines the southern edge.

<sup>2</sup> Freer's Glen at Watkins: A Handbook for the use of Tourists, by George M. Elwood, Published 1867  
<https://archive.org/details/FreersGlenAtWatkinsAHandbookForTheUseOfTourists>

The Finger Lakes Region and the Watkins Glen area exemplify the interesting and unusual topography attributable to ice age era glacial activity. The glaciers carved out immense ravines that evolved into the uncommonly deep Finger Lakes and their surrounding wooded hillsides. The hillsides are cleaved by assorted gorges and glens and decorated by small streams and tall waterfalls. For example, Seneca Lake reaches depths of 620 feet and is surrounded by steeply sloped sides, while water running through nearby Glen Gorge drops about 700 feet over two miles. Higher elevation plateaus are largely converted to agricultural uses, lending an entirely different character to the land.

The combination of Seneca Lake's deep water and the rich glacial soils on the adjacent hillside make the Watkins Glen area popular with vintners; the large volume of water helps keep the temperature of air trapped by the rising ravine walls stable. With over 32 currently active wineries, Seneca Lake has the highest density of wineries in the U.S. outside of the Napa Valley in California. The vineyards play roles in two important elements of the local and regional economy: agri-business and tourism. The wineries are responsible for attracting over 650,000 visitors to the area yearly.

Watkins Glen is also well known nationally and internationally for two tourist destinations that draw hundreds of thousands of visitors each year. Within the Village, but outside its WRA, is the Watkins Glen State Park<sup>3</sup>, the oldest state park within the State of New York and the most famous of the Finger Lakes State Parks, with a reputation for leaving visitors spellbound. Within two miles, the glen's stream descends 400 feet past 200-foot cliffs, generating 19 waterfalls along its course. The gorge path winds over and under waterfalls and through the spray of Cavern Cascade. Rim trails overlook the gorge. Campers and day-visitors can enjoy the Olympic-size pool, scheduled summer tours through the gorge, tent and trailer campsites, picnic facilities and excellent fishing in nearby Seneca Lake or Catherine Creek, which is renowned for its annual spring run of rainbow trout.



*Source: NYS Park, Recreation and Historic Preservation*

Another important attraction outside the WRA is the Watkins Glen International Speedway, a premier road racing facility in the United States, holding major NASCAR, IRL and SCCA events throughout the year. Major events can attract over 100,000 attendees from around the country and around the world.

### 2.5 Seneca Lake and the New York State Canal System

Seneca Lake is the largest of the eleven Finger Lakes and is one of the deepest lakes in North America. The lake stretches north 38 miles from the Village and varies in width from one to three miles wide. The

---

<sup>3</sup> Watkins Glen State Park - <http://nysparks.com/parks/142/details.aspx>

lake's surface area is just over 66 square miles, and its watershed is 457 square miles. The watershed overlaps portions of 40 municipalities, located within five counties: Chemung, Ontario, Schuyler, Seneca and Yates. Seneca Lake is part of a larger, complex system of lakes and rivers in central New York State known as the Oswego River Basin. The Oswego River Basin has an area of 5,100 square miles and drains the hills and valleys of the Finger Lakes into the Oswego River, which flows north into Lake Ontario<sup>4</sup>. The lake's extreme depth (about 620 feet) generally prevents water temperatures from dropping below 50 degrees in the winter, so that ice rarely forms on the surface. Currently, there are 4 municipal water supplies that draw water from Lake Seneca, with total permitted withdrawal of 9 million gallons per day.

The lake is part of the New York State Canal System comprised of four historic waterways, the Erie, the Champlain, the Oswego and the Cayuga-Seneca Canals. Spanning 524 miles, the waterways link the Hudson River, Lake Champlain, Lake Ontario, the Finger Lakes, Niagara River and Lake Erie with communities rich in history and culture.

In recognition that the canal system represents an underutilized resource that holds tremendous potential for tourism and recreation purposes, the State Legislature established the Barge Canal Planning and Development Board on July 21, 1986. Until August of 1992, the Board acted as the focal point for the coordinated promotion, planning and development of the State's canals for tourism purposes. Subsequently, the State Legislature transferred authority for canal management to the New York Thruway Authority. A Canal Recreationway Commission was formed to develop an overall plan for the coordinated long-range development of the Canal System's tourism and economic potential. A constitutional change enabled the economics of the System's operation and stewardship to support such a plan. The constitutional amendment recognizes that the use and enhancement of the Canal System as a recreational facility is important for its future viability.

Likewise, the revitalization of the Watkins Glen waterfront, and therefore benefits to village and county, depends upon the ability to capitalize on the recreational boating and tourism opportunities offered by Seneca Lake, the Seneca Canal and their connection to the Canal System. Watkins Glen has numerous assets that can enhance the development of water-related recreational facilities, especially given its location in the Finger Lakes Region. The undeveloped and open character of lands adjacent to the Canal could accommodate additional water dependent recreational uses. Also, the Village's connection to the waterfront and its attraction as a tourism center will be enhanced by the renovation of historically significant waterfront industrial structures and the redevelopment of underutilized waterfront commercial, residential and industrial lands. Additional improvements to various business and public amenities can only help to capitalize on the interest of Watkins Glen as a tourism destination.

The Canal system is owned and operated by the New York State Canal Corporation, a subsidiary of the New York State Thruway Authority. Locally, the Seneca Canal passes through the Village of Watkins Glen and connects the Village of Montour Falls with Seneca Lake. In 2014, the National Park Service announced that it has listed the New York State Barge Canal on the National Register of Historic Places. The designation recognizes the New York State Canal System as a nationally significant work of early twentieth century engineering. The revitalization of the Watkins Glen waterfront, and therefore benefits to village and county, depends upon the ability to capitalize on the recreational boating and tourism opportunities offered by Seneca Lake, the Seneca Canal, and their connection to the Canal System.

---

<sup>4</sup> Seneca Lake Watershed Management Plan- <http://www.stcplanning.org/index.asp?pageId=177>





Source: NYS Canal Corporation website

Watkins Glen has numerous assets that can enhance the development of water-dependent or water-related recreational facilities, especially given its location in the Finger Lakes Region. The undeveloped and open character of lands adjacent to the Canal could accommodate additional water dependent recreational uses. Also, the Village's connection to the waterfront and its attraction as a tourism center will be enhanced by the renovation of historically significant waterfront industrial structures and the redevelopment of underutilized waterfront commercial, residential and industrial lands. Additional improvements to various business and public amenities can only help to capitalize on the interest of Watkins Glen as a tourism destination.

The Finger Lakes Regional Canal Plan (1994) (Appendix A7-b (A.34)) suggests projects that might benefit the preservation of, and public access to, both the Canal and Watkins Glen's waterfront. These are:

- Institute Best Management Practices in Catherine Creek Watershed
- Repair Glen Creek Retaining Wall above Canal – Watkins Glen
- Enhance Queen Catherine Fish and Wildlife Management Area
- Preserve Excelsior Glen – Watkins Glen
- Secure Historic District Designation -Watkins Glen
- Organize Catherine Valley "Ecotour"
- Improve Tank Beach - Watkins Glen and Hector
- Improve Clute/Lakeside Park Complex - Watkins Glen
- Complete Development of Seneca Harbor Park Area - Watkins Glen
- Develop Public Access at Magee Point – Watkins Glen
- Install Regional Canal System Signage – County-wide

In the New York State Canal Recreationway Plan<sup>5</sup> (1995), Watkins Glen is named as one of 96 Canal Service Ports that are spread across the NYS Canal System. The Plan suggests projects for the Ports to revitalize the Canal and waterfront of the host communities. “The typical Port project, envisioned as a development partnership between the Canal Corporation, a local municipality, and a private developer, would include both public and private elements.” (Plan Chapter 7.3) Watkins Glen is designated to provide Canal Service Package A (Telephone, trash drop and informational signage), to improve boater access to the park. Suggested projects are to support Clute/Lakeside Park restoration, to promote existing marina facilities and to provide dock or boat fenders and tie ups for boating stops.

### 2.6 Southern Tier Regional Economic Development Council Strategy



The Southern Tier Regional Economic Development Council was established in 2011. Thirty two individuals representing the region’s colleges and universities, businesses and industry, economic development agencies, government, education, health care and services sectors joined together with the ambitious goal of forging a plan, that over five transformative years, would guide the region to renewed economic prosperity. The Southern Tier region of New York state comprises eight counties with a total land mass of 6,260.2 square miles, adjoining the border of

Pennsylvania’s Northern Tier. Counties within the region are Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga and Tompkins, with a total 2010 population of 657,909, residing within population centers in the Binghamton, Elmira-Corning and Ithaca areas, as well as the many towns and villages surrounding them.

The region is known for the contributions of its global and national corporations, the quality and reputation of its nationally-recognized universities, the character and charm of its downtown areas, its vast natural resources, its many tourism and cultural destinations, as well as its natural beauty.

The five focus areas of the regional strategy are summarized below:

- Strategy 1.** The Southern Tier - New York’s Leader in Energy Efficiency and Renewable Energy Technology
- Strategy 2.** Southern Tier Transportation Alliance - Building Next Generation Technology and Manufacturing
- Strategy 3.** Health Care 2020 - Integrating Health Care Providers, Higher Education and Cutting-Edge Technology
- Strategy 4.** Revitalize the Rural Farm and Forest-Based Economy of the Southern Tier
- Strategy 5.** Strengthen the Southern Tier’s Economic Development Backbone

---

<sup>5</sup> New York State Canal Recreationway Plan (1995)- <http://www.canals.ny.gov/news/crc/plan.html>

## 2.7 Land and Water Uses

The landside of the Watkins Glen WRA is divided in four areas illustrated in Figure 2. Each of those areas exhibits unique land use patterns, needs and opportunities, as described below and illustrated in Figure 3.

### Central Lakefront Area of WRA

The Central Lakefront Area includes that portion of the waterfront area starting at the point where the extension of North Franklin Street meets the shoreline, west of the renovated railway station, now the Seneca Harbor Restaurant, and extending along the lakeshore east to the Cargill Salt facility where 4th Street / NYS Rt. 414 bridge passes over the Seneca Canal. Then, it continues west along Fourth Street to Perry Street, north to East Third Street, west to Franklin Street, north to East Third Street, west to North Madison Avenue, and north, back to NYS Rt. 14 (N. Franklin Street), ending at the shoreline at the extension of North Franklin Street that extends past the renovated railway station.

The Central Lakefront Area includes the greatest diversity of uses within WRA. This area contains a mix of commercial, residential, former industrial uses and open space. As mentioned, Cargill Salt, a viable and well-maintained industrial facility, occupies the eastern most area. The center area, north of the Finger Lakes Railway right-of-way, is dominated by the Village's sewage treatment plant. The 4.9 acres of land within the area east of the sewage plant are privately owned, undeveloped open space, while the 4.7 acres west of the plant are occupied by Seneca Harbor Park and owned by Schuyler County. Seneca Harbor Park<sup>6</sup> includes a public park with parking, a marina, bar & grill, and a fishing pier. Adjacent to Seneca Harbor Park is a brand new 110 room hotel with banquet hall, restaurant and bar, and a conference room. The area between Perry Street and the Finger Lakes Railway right-of-way, north of East Fourth Street, is occupied by commercial and residential uses. Residential uses, including a senior citizen's housing complex, predominate in the area between Perry Street and Decatur Street on the north side of East Second Street, with a bowling alley on Decatur Street as the sole commercial exception. The area south of the rail line, between Decatur and Madison, includes part of the Franklin Street Business area. It also includes underutilized land and buildings that offer the greatest opportunities for future development within WRA.

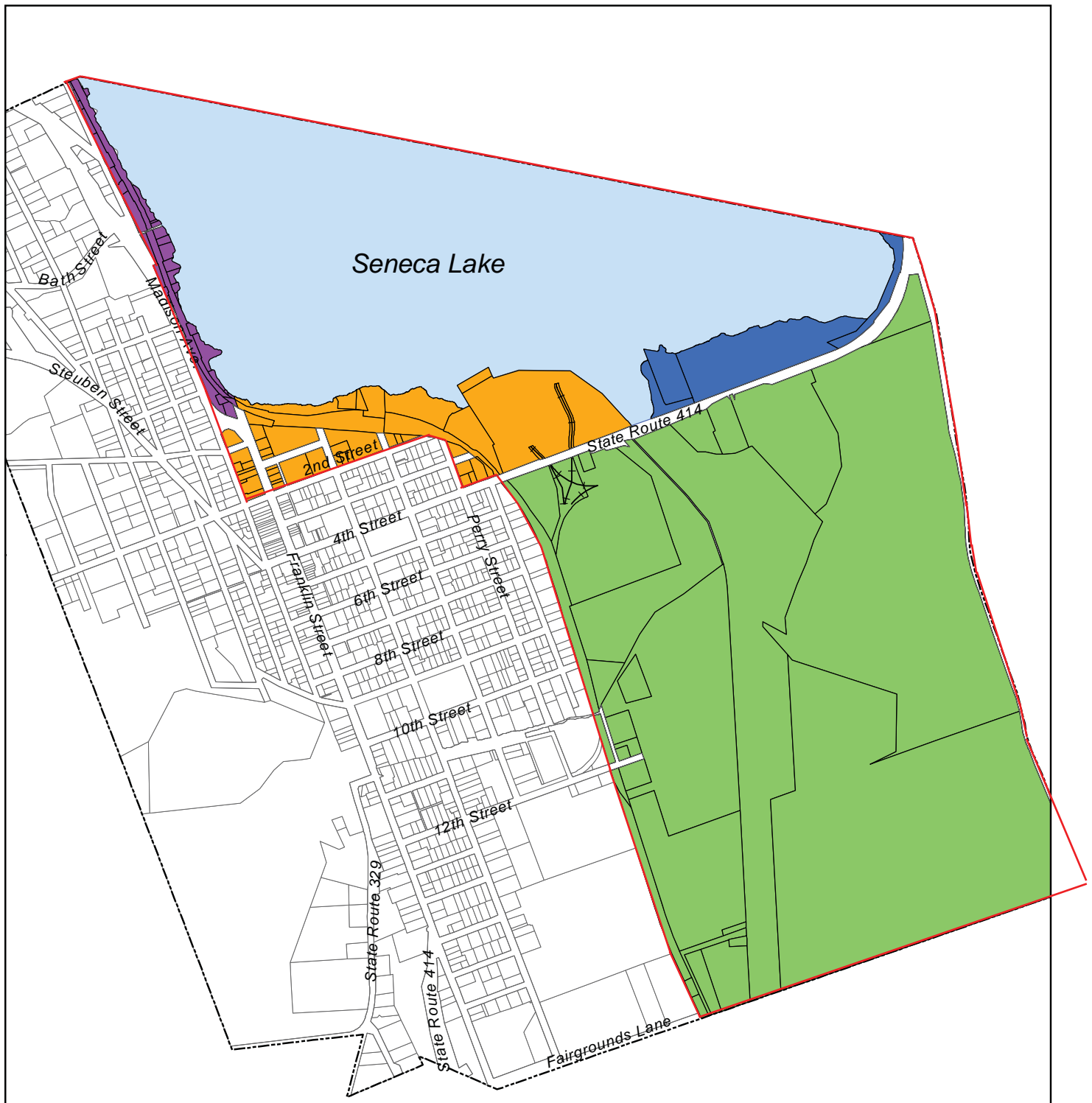


*Photo Credit: Richard Owlett*

---

<sup>6</sup> Seneca Harbor Park - <http://www.schuylercounty.us/Index.aspx?NID=118>

Figure 2: WRA Sub-Areas



- |                                                                                                                  |                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| ----- Village of Watkins Glen                                                                                    | <span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px;"></span> WRA                    |
| — Roads                                                                                                          | <span style="background-color: purple; display: inline-block; width: 20px; height: 10px;"></span> Western Lakefront   |
| +—+ Railroad                                                                                                     | <span style="background-color: green; display: inline-block; width: 20px; height: 10px;"></span> Canal Area           |
| <span style="background-color: lightblue; display: inline-block; width: 20px; height: 10px;"></span> Seneca Lake | <span style="background-color: darkblue; display: inline-block; width: 20px; height: 10px;"></span> Eastern Lakefront |
| <span style="border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Parcels         | <span style="background-color: orange; display: inline-block; width: 20px; height: 10px;"></span> Central Lakefront   |

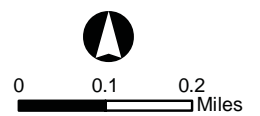
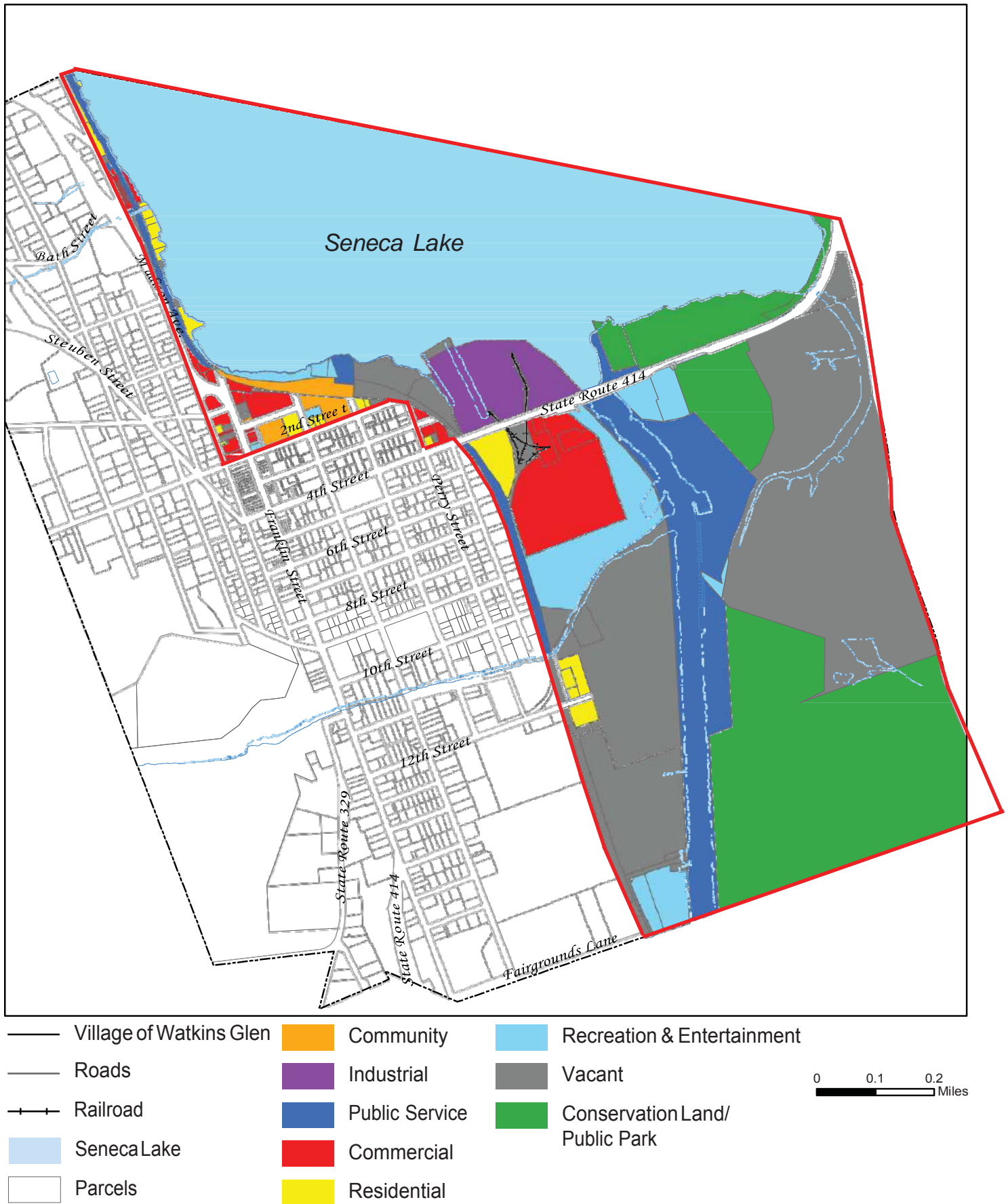




Figure 3: Land Uses within WRA



Recent planning identified the following design principles for this sub-area:

- Maintain/enhance buffer between Cargill plant and adjacent uses to the west of Cargill site
- Promote “public uses (non-exclusive multi-use development)” north of Finger Lakes Railroad Right of Way – enhance connection to Lake for residents and visitors
- Smart growth re: non-water dependent uses, including relocation of parking and boat storage to extent feasible south of Railroad Right of Way or elsewhere
- Creation of new residential community to address housing supply issue related to identified demand
- Use of landscaping, lighting, architectural features, traffic improvements to create appropriate pedestrian-oriented environment
- Use of “green” infrastructure to support development

### Eastern Lakefront Area of WRA



*Photo Credit: Norrie Cornelius*

The Eastern Lakefront Area is located north of NYS Rte. 414 and extends eastward along the lakeshore to the village limits. This sub-area includes Clute Memorial Park and a beach known locally as “Tank Beach”, which is Village-owned and closed to public use at this time.

Preliminary concept plans proposed to link this area with the Central Lakefront Area via a multi-purpose pathway and to introduce recreational and potentially commercial uses that would enhance public use and enjoyment of limited portions of this sub-area, while maintaining the public park environment.

### Canal Area of WRA

The Canal Area includes the lands south of NYS Route 414, from the village boundary to the Seneca Lake Inlet and along the eastern Village boundary along Rock Cabin Road and all lands east of the Finger Lakes Railway right-of-way from East Fourth Street south to the Village boundary at Fairground Lane.



*Photo Credit: Norrie Cornelius*

This area is essentially divided in half by the Seneca Canal & Catharine Creek. The Canal contains three privately operated marinas, a yacht club, and a public boat launch. The canal is used exclusively for recreational boating uses, including access to a public marina operated by the Village of Montour Falls. In 2008, the Canal was dredged by the Canal Corporation. Dredging removes silt that is deposited by Catharine Creek, allowing boats to move freely without impediment.

On the eastern side, the north half of this area is occupied by a section of Clute Memorial Park, which includes a recreational vehicle and tent campground, a community center, public boat launch, and

athletic fields. One of the marinas and the yacht club are located here, as well. Although the village operates the park, Cargill Salt and the New York State Canal Corporation own the land.

The southern half of the eastern portion of this area is predominantly open space and occupied by the Queen Catharine Marsh, a protected wetland, owned by the State of New York and managed by the NYS Department of Environmental Conservation. The western portion is predominantly open space, but includes a few residences, two marinas with boat sales and services, and the local high school athletic fields. This is also the location of the Canal District, a major portion of which is occupied by a national discount retailer and smaller off-lot commercial uses.

The canal represents a significant opportunity for additional marina and related facilities to be developed, including potential expansion of the recreational vehicle and tent campground and the potential introduction of residential development on either side of the canal. However, the Marsh and classification of the Seneca Canal as a C(ts) stream will require an environmentally sensitive approach to any future development. The rating C indicates that the stream's best usage is for fishing; the (ts) indicates that these streams are designated as trout spawning streams and are held to a higher standard of water quality and are subject to additional permit requirements.

### Western Lakefront Area of WRA

The Western Lakefront Area includes that portion of the waterfront area extending from the Village's northern boundary south along the shoreline to Captain Bill's Seneca Lake Cruises, northwest on Franklin Street to North Madison Avenue, and then north along and Madison Avenue/ Lake Shore Drive to the Village boundary.



The narrow strip of land between the shoreline and the retaining wall or steep slopes along Lake Street and Madison Avenue has allowed for minimal development. The largest owner is Finger Lakes Railway Corporation, which owns the right of way for a single line. Varying in width up to 100 feet, this strip of land has poor access, currently lacks sewage disposal services and is occupied by year-round and seasonal occupancy bungalows and boathouses. It is served by municipal water.

*Photo Credit: Norrie Cornelius*

There are two underutilized historic industrial buildings, the Scuteri Building, which was previously used as a frozen food locker business and the other, which houses the Village electric department. Both properties are slated for redevelopment and residential use. The electric department facility has been sold to a developer who is converting the property to a mix of apartments and condominiums. The Scuteri Building has also been sold and planning is underway for a similar conversion there to include reestablishment of nearby marina facilities.



## 2.8. Zoning and Allowed Uses by Areas within WRA

In recognition of the need to foster waterfront development, the Village revised the local zoning law in 1994 to incorporate development districts while promoting the stability of existing uses. At that time, the portion of the Canal Area, south of NYS Rt. 414 and west of the canal, previously zoned industrial, was rezoned as CD or Canal District, to incorporate a mixed-use development concept. Likewise, the Western Waterfront was rezoned to a LD or Lakefront Development designation in order to encourage a flexible pattern of development. The districts that surround the Village contain a ring of residential development around the commercial core. The Lakefront district creates a necessary linkage between the downtown's Franklin Street and the waterfront area. The Canal District provides opportunities for marina and boat-related services with accompanying retail and other services.

In 2003, the Village amended their zoning to provide guidance for the location of adult businesses within the village. One of the areas identified as a potential adult business location is within WRA, and the Village will review the compatibility of adult uses within WRA upon adoption of the plan. The current zoning districts within the waterfront area are illustrated on Figure 8 - Zoning.

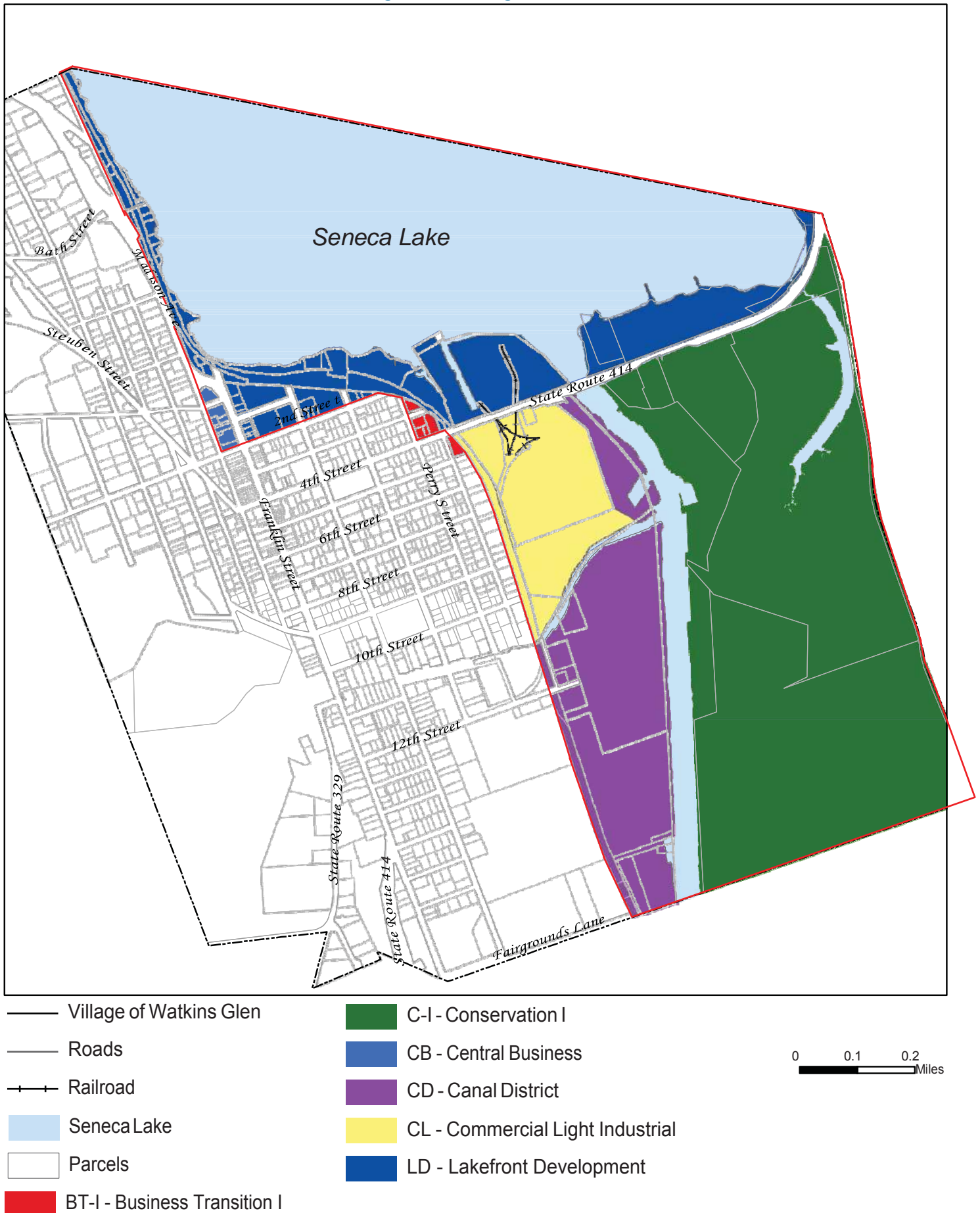
The Village significantly revised the ordinance in 2004, but substantially maintained the zoning districts within WRA. Site plan review of projects is required to ensure compatibility with the surrounding neighborhoods.

### **Inventory of Allowed Uses by Subarea:**

- Central Lakefront Area - has three types of zoning districts within it.
- The majority of the Lakefront is zoned LD.
- To the west of the Central Lakefront is zoned Central Business (CB) which allows for commercial uses.
- To the south of the Central Lakefront is zoned Business Transition I (BT-I) which allows for residential and commercial uses.
- Eastern Lakefront and Western Lakefront Sub-Areas - are zoned Lakefront Development (LD), and allow for:
  - A mix of certain business, commercial, industrial, service sector and residential.
  - Water-dependent and/or enhanced by their location along the waterfront.
- Canal Area - has three types of zoning districts within it.
- To the north-west is Commercial Light Industrial (CL) which allows primarily for business and industrial uses.
- The north-west and south-west portion of the Canal Area is zoned Canal District (CD) and allows for residential, commercially and tourism related uses, which are enhanced by, or dependent on, a waterfront location.
- The eastern part of the Canal Area is zoned Conservation I (C-I) and allows primarily for tourism related uses.

A detailed inventory of allowed uses by zoning district is presented in Appendix B.

Figure 8: Zoning within WRA



## 2.9 Land Ownership

A substantial proportion of the Village's waterfront area is publicly owned, including much of the shoreline. The land ownership within the Watkins Glen WRA is illustrated in Figure 4. Approximately 102.6 acres, or 27% of the village's waterfront, comprised of right-of-way lands adjacent to the Seneca Canal, the Canal itself, adjacent wetlands and lands formerly underwater are owned by New York State. Except for three marina facilities, the lands along the Canal are largely unimproved. The lands along the eastern shoreline area of the Canal are primarily protected wetlands, as illustrated on Figures 6.

In July 1995 Finger Lakes Railway Corporation purchased 5.4 acres of property from Conrail, with financial assistance from the Schuyler County Industrial Development Agency. This is currently used as an active rail line to service the Cargill Salt plant located within the Village. The County and Village also acquired a significant amount of the former railway. The County acquired the former rail yard from Conrail consisting of 4.7 acres and has developed this property as Seneca Harbor Park adjacent to the Village Marina.

The Village owns 12.8 acres (3.36% of the total waterfront area), consisting of nine parcels. The Village's sewage treatment plant and a water pumping facility make up most of the waterfront area, followed by the northern (lakeshore) section of Clute Park and the adjacent Tank Beach.

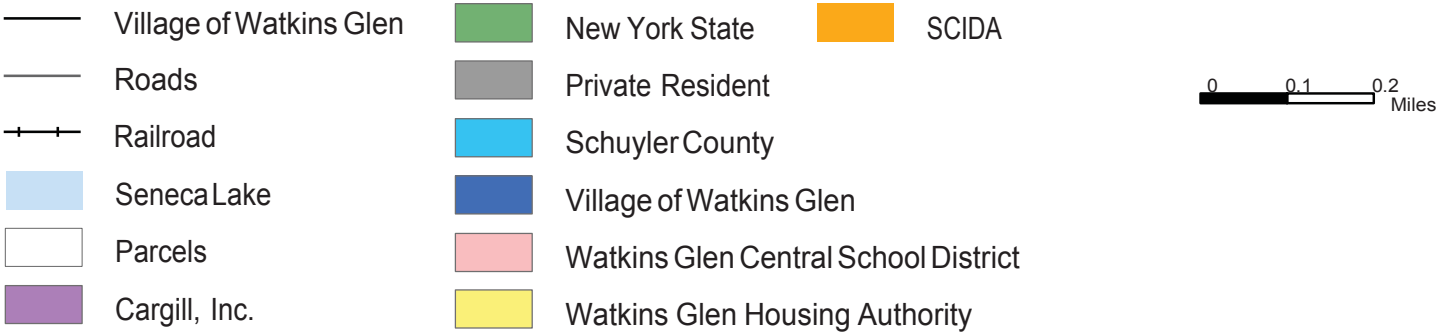
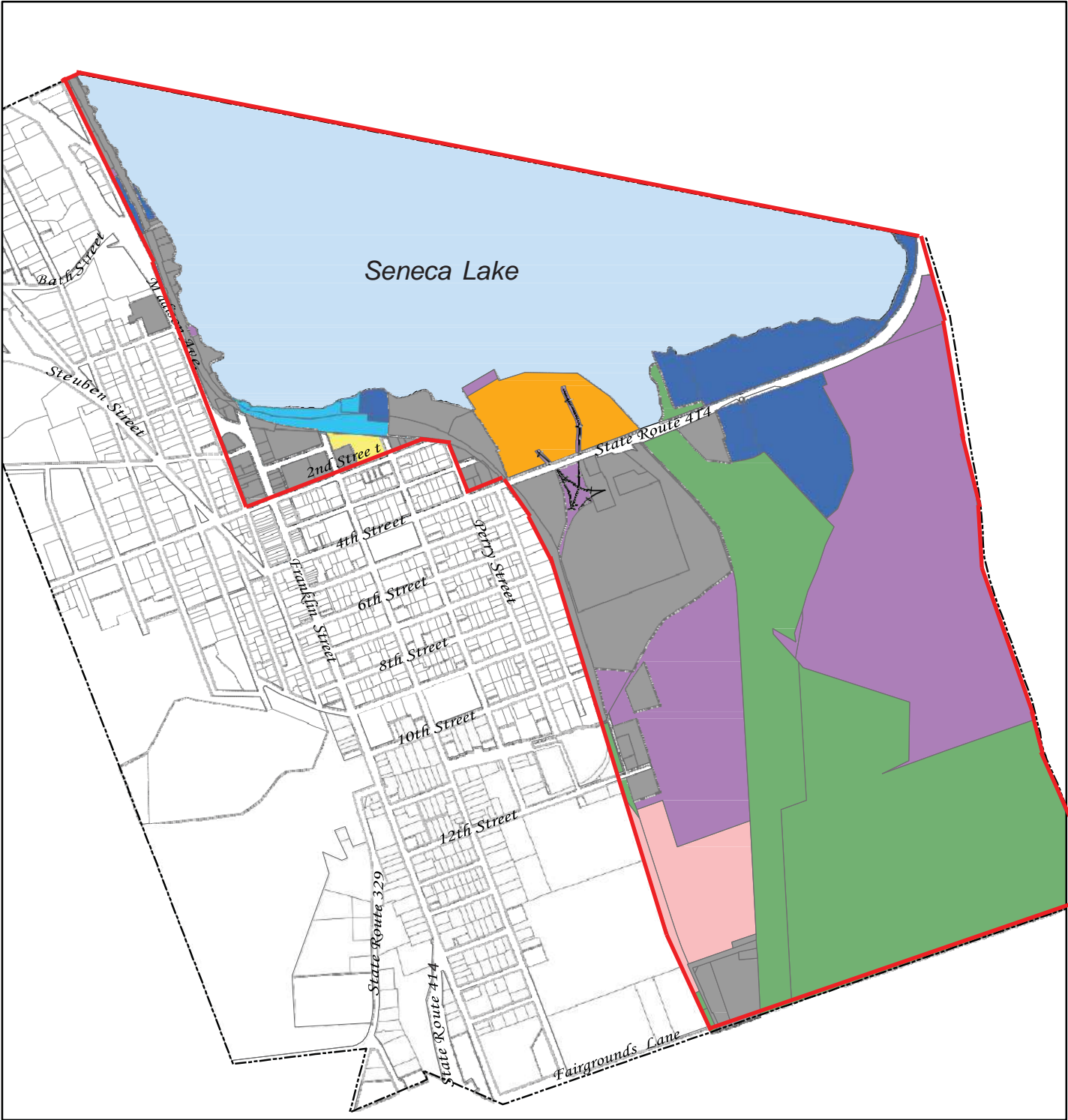
Privately owned land comprises approximately 56.7% of the entire WRA. Cargill Inc. owns the majority of the privately held lands within WRA, with approximately 140 acres. Although private ownership makes up the majority of owned land it makes up only a small portion of the shoreline.

**Table 1: Land Ownership within WRA**

Type of Ownership	Acres	Percent of Total
Schuyler County	4.99	1.31
Schuyler County IDA	22.75	5.98
Village of Watkins Glen	12.80	3.36
VWG Housing Authority	1.65	0.43
Board of Education	20.05	5.27
New York State	102.56	26.96
<b>Subtotal: Publicly Owned</b>	<b>164.80</b>	<b>43.32</b>
Cargill, Inc.	139.91	36.78
Privately Owned, Misc.	75.69	19.90
<b>Subtotal: Privately Owned</b>	<b>215.60</b>	<b>56.68</b>
<b>Total Area</b>	<b>380.40</b>	<b>100.00</b>

The presence of extensive, largely open, privately owned land represents a considerable asset and opportunity to the Village in accommodating future water-related development. The use of arrangements with the private sector is a key element in facilitating the revitalization of the waterfront. The protected wetlands in the Canal Area, and the Finger Lakes Railway Corporation/SCIDA railway in the Central and Western Lakefront areas represent possible constraints to future development. The benefits of possible uses in the areas adjacent to the protected wetlands must be weighed against any possible adverse environmental impacts. However, the railroad represents a barrier to shoreline access that must be overcome, particularly in the Western and Central Lakefront areas.

Figure 4: Land Ownership within WRA



## Underwater Lands

The lands beneath major lakes, such as Seneca Lake, are owned by New York State and are under the jurisdiction of the NYS Office of General Services (OGS). These lands are administered pursuant to the provisions of the Public Lands Law and Regulations. The boundary between State-owned lands underwater and the upland of a private owner is determined by the last known natural location, prior to the placement of any fill, of the lower water mark for navigable lakes. Structures, including fill, located in, on, or above state-owned lands under water are regulated under the Public Lands Law and require authorization from the OGS<sup>7</sup>. Lakefront development plans within the Waterfront Revitalization Area (WRA) affecting State-owned lands underwater should be presented to OGS for a determination of the State's interest under the Public Lands Law.

The construction of any structure in navigable waters also require permits from NYS DEC and federal USACE. Cayuga and Seneca Canals are those portions of the canal system connecting the Erie **Canal** at a point near Montezuma with Cayuga and Seneca lakes and through Cayuga **Lake and Cayuga** inlet to the southerly side of State Street in the city of Ithaca and through Seneca **Lake** with Montour Falls<sup>8</sup>.

The New York State Canal Corporation has stewardship of, and jurisdiction over, the NYS Canal System, which is comprised, in part, of the State-owned waterways constructed, improved, or designated by authority of the legislature as canals. Proposals affecting areas of State-owned uplands or land under or formerly water within the barge canal should be coordinated with the New York Canal Corporation.

In addition to the administration of structures and other proposals affecting State lands underwater, OGS cooperates with other State agencies regarding, for example, the treatment of submerged cultural resources, including shipwrecks and artifacts. Participating agencies in addition to the Department of State and OGS include the Office of Parks, Recreation and Historic Preservation, the New York State Museum (Department of Education), the Department of Environmental Conservation, the Department of Law, and the New York State Canal Corporation.

## 2.10 Public Access and Recreation

Although a significant portion of the Village's immediate shoreline lands is publicly owned, waterfront access and recreational<sup>9</sup> opportunities are somewhat limited. Currently, public waterfront access and recreation is concentrated at two locations, the County owned Seneca Harbor Park and the Village owned Clute Park. The Seneca Harbor Park owned by the County continues to be developed and includes leaseholds by privately operated water dependent businesses, including a business offering dock rentals, a bar and grill, a boat lift and boat storage services, as well as a business offering boat tours and dinner cruises on Seneca Lake. The County Park contains a public pier and breakwater accessible to fishermen, and public restrooms. The Finger Lakes Railway Corporation rail line limits easy access to Seneca Harbor Park in the Central Lakefront area. Except for the Clute Park, the remainder of the shoreline requires access across private property. The existing public waterfront access areas are illustrated in Figure 5.

---

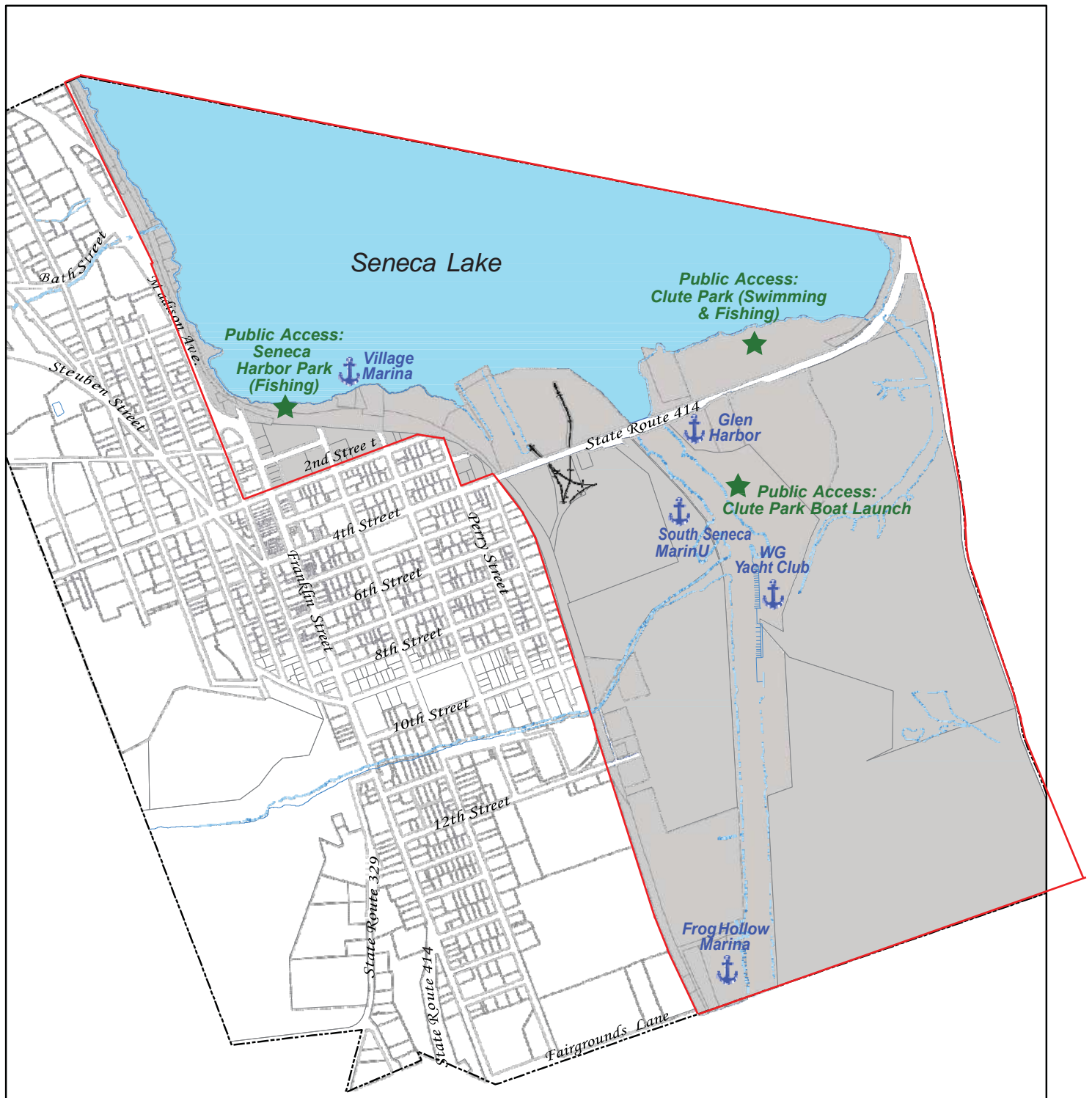
<sup>7</sup> NYS Office of General Services - <http://ogs.ny.gov/BU/RE/LM/EGLP.asp>

<sup>8</sup> New York State Canal Corporation <http://www.canals.ny.gov/about/compliance/subsidiary-report.pdf>

<sup>9</sup> Cayuga Seneca Canal: Seneca Falls, Seneca Lake marinas - <http://www.canals.ny.gov/boating/marinas.cgi>



Figure 5: Public Access Locations and Marinas



- |                           |                        |
|---------------------------|------------------------|
| — Village of Watkins Glen | □ Parcels              |
| — Water                   | ■ LWRP Area            |
| — Roads                   | ■ Seneca Lake          |
| — Railroad                | ★ Public Access Points |
|                           | ⚓ Marinas              |

0 0.1 0.2  
Miles

### Central Lakefront Area - Seneca Harbor Park and Village Marina

Since the early 1980s major improvements have been made to the Seneca Lake waterfront park with local, state and federal funding. Improvements have included a public fishing pier, breakwater and shoreline wall. Efforts to improve the recreational capacity of this portion of the waterfront have also been completed through implementation of a master plan for the park. Improvements such as additional landscaping, improved public access, and paving the parking lot. These improvements greatly increase the functionality of this area, allowing for redevelopment and expanded water-dependent and water-enhanced uses. Vehicular access improvements included an upgraded park entrance at Decatur Street, which is one endpoint of the Village street grid system. The Village, County, NYS Department of Transportation and Finger Lakes Railway Corporation will reach an agreement on vehicular rail crossings prior to construction as applicable. Pedestrian access from the downtown to the park has been improved with the addition of sidewalks to the park and improved signage and pedestrian crossings. At the eastern end of the park, the Village is proposing to decommission and relocate the wastewater treatment plant, addressing a significant barrier to development.

The schematic design for the park was completed with the assistance of a Seneca Harbor Park Steering Committee, and was accepted by the Schuyler County Legislature in August 1995. Although non-binding, this schematic design guides the completion of Seneca Harbor Park improvements. The park project includes improved signage to assist in “way-finding” for transient boaters. The Village Marina is opened from April to October and offers outdoor seating on a new over the water deck and 140 boat slips.



*Source: NYS DOS Geographic Information Gateway*

Recent discussions have resulted in an updated version of the plan and would extend the multi-purpose pathway within Seneca Harbor Park along the entire lakefront within the Village of Watkins Glen. For additional information, see the Project Seneca – Lakefront Development Plan included in Appendix E.

### Eastern Lakefront Area - Clute Memorial Park and Tank Beach

The village-operated Clute Memorial Park is a significant recreational asset for the Village. It contains a swimming and picnic area with pavilions and bathhouse facilities, tennis courts and playground equipment.





Source: NYS DOS Geographic Information Gateway



Source: NYS DOS Geographic Information Gateway<sup>10</sup>

The section of the park within the Canal area, south of NYS Rt. 414, also includes an RV and tent campground, athletic fields, a community center and a public boat launch. New York State retains ownership of the public boat launch via the Canal Corporation, which is operated by the Village of Watkins Glen, while Cargill Inc., as previously mentioned, owns the southern section of the park. Use of the park area is limited by poor traffic circulation and parking facilities, as well as conflicts between different types of users, i.e. dock renters vs. recreational fishermen.

In 1993, the Landscape Architecture Program at Cornell University developed a master plan for the county park in cooperation with the County Legislature and the Village Planning Board. The county received a grant for a park improvement grant from the Office of Parks, Recreation and Historic Preservation in spring of 1997. Improvements began in 1997 and were completed in 2007.

### Canal Area Facilities

This sub-area is divided in half by the Seneca Canal/Catharine Creek and dominated by recreational uses. Three privately operated marinas, the Watkins Glen Yacht Club, and a public boat launch are located on the canal. All four private boating facilities rent dock slips primarily to small pleasure boats. Two of the marinas also operate boat sales, service and supply facilities. One of the marinas operates a boat launch. Generally, the marinas carry a waiting list for seasonal slip rentals. While many of the boaters are on each marina waiting list, it is clear that additional marina facilities are needed. Water-dependent recreational uses, such as boat and pleasure craft rental outlets, tour boats, seaplane rides, fishing outfitters, etc. represent significant opportunities for development.

<sup>10</sup> NYS DOS Geographic Information Gateway - [https://appext20.dos.ny.gov/coastal\\_map\\_public/map.aspx](https://appext20.dos.ny.gov/coastal_map_public/map.aspx)

### Frog Hollow Marina<sup>11</sup>



The northern half of the eastern portion of the Canal sub-area is occupied by a section of Clute Memorial Park and camping area owned by Cargill Salt and operated by the Village. The Village is pursuing the improvement of its facilities in the Park area and has developed a master plan to guide these efforts. As illustrated on Figure 2 and Figure 9, the southern half of the eastern portion is predominantly open space and occupied by the Queen Catharine Marsh, a protected wetland owned by the State and managed by the Department of Environmental Conservation

(DEC). The western portion is predominantly open space, but includes two marinas with boat sales and services, and the local high school athletic fields.

### Watkins Glen Yacht Club<sup>12</sup>



### South Seneca Marina



*Source: NYS DOS Geographic Information Gateway*

Five marinas within the WRA were interviewed to inventory local facilities and available capacity. Availability of local slips is approximately 400, but vacancies run at an average of only 3 slips per facility for the season. All marinas surveyed reported a very high rate of return among boaters, and reported that returning customers fills most slips. Three facilities out of the five that responded to the inventory reserve space for transient boaters.

The following table illustrates additional information on marina facilities, and confirms the need for additional facilities, particularly for transient boaters.

<sup>11</sup> Frog Hollow Marina - <http://froghollowmarina.com/index.php>

<sup>12</sup> Watkins Glen Yacht Club - <http://watkinsglenyachtclub.com/about/>

Table 2: Marinas within WRA

Survey Questions	Village Marina	Frog Hollow Marina	Glen Harbor	Seneca Marine	WG Yacht Club	Total
How many slips do you have?	140	86	28	88	52	394
On average, how many vacancies do you have each season?	8	1	0	0	7	3 (average)
What do you think your return rate is?	90%	75%	99%	100%	100%	93% (average)
Are most of your slips filled by repeat customers?	Yes	Yes	Yes	Yes	Yes	Yes
Do you reserve spaces for transient boaters?	Yes	Yes	No	No	Only guest dock	-
Do you have toilet/shower facilities for boaters?	Yes	Yes	Yes	Yes	Yes	Yes
Do you offer a pump-out station?	Yes	Yes	Yes	No	NO	-
What other amenities or services do you offer?	Travel lift, ramp, crane service	Travel lift, store, storage area, and mechanics on duty.	Sore, boat rental, land storage, full service facility, winterization, gas dock	Cable, store, full storage (inside and outside), boat sales, winterization	Covered boat house, club house, dining room and kitchen, garage and storage.	-

## No Discharge Zone

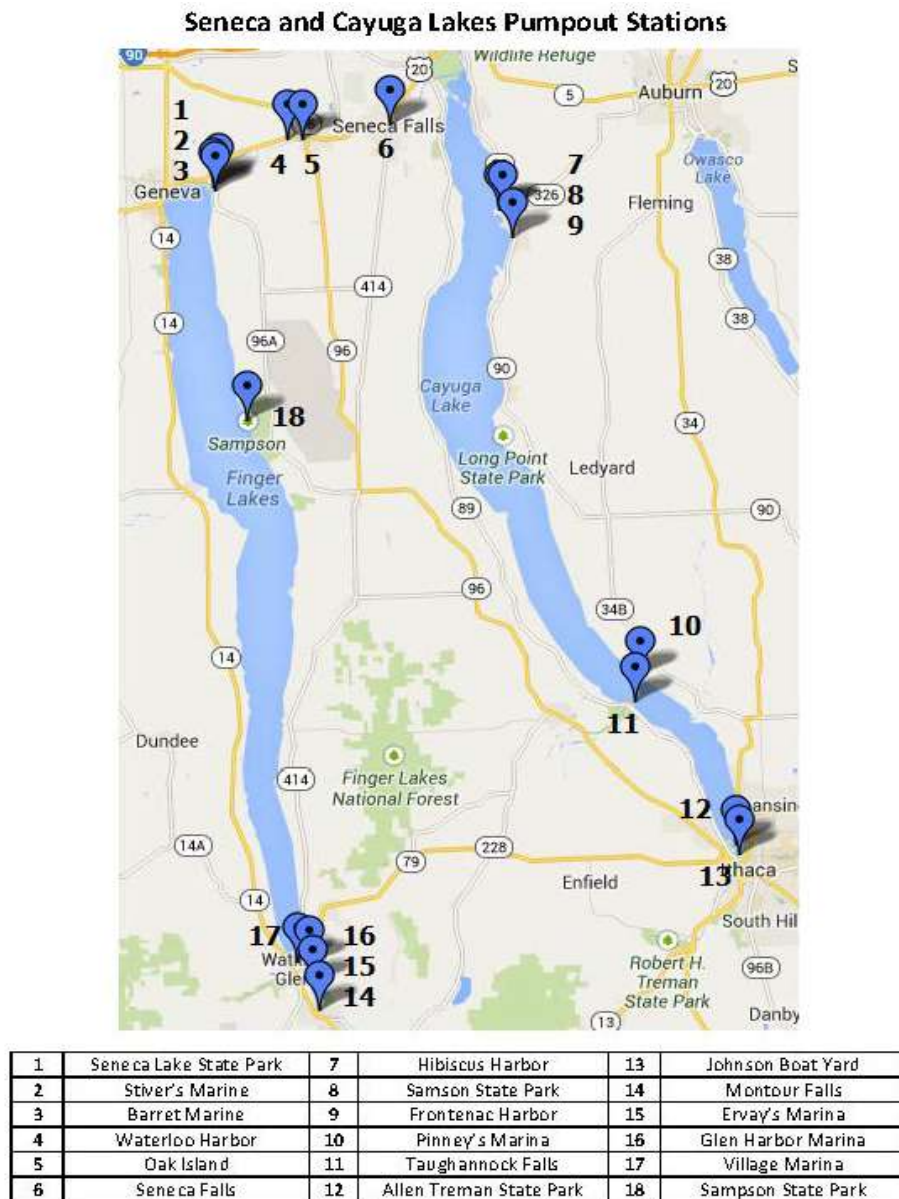
Sewage from boats often contains harmful levels of pathogens and chemicals such as formaldehyde, phenols and chlorine, which harm water quality, pose a risk to people's health, and impair marine life and habitats. Federal law prohibits the discharge of untreated boat sewage within most navigable waters of the U.S.

To take water quality protection a step further, DEC and the U.S. Environmental Protection Agency (EPA) are working to prohibit sewage discharges to New York's coastal waters and navigable connecting waterways - which are not covered by the federal law - by designating them as No Discharge Zones. A No Discharge Zone designation means that it is illegal for boaters to discharge on-board sewage into the designated waterbody. This includes treated sewage, as well as untreated sewage. Boaters must instead dispose of their sewage at pumpout stations.



In 2015, DEC, in collaboration with the New England Interstate Water Pollution Control Commission, EFC and the New York State Department of State, has submitted petitions to the U.S. Environmental Protection Agency to designate Seneca and Cayuga Lakes and New York's portion of the St. Lawrence River as Vessel Waste No Discharge Zones<sup>13</sup>. Currently, there are 4 municipal water supplies that draw water from Lake Seneca, with total permitted withdrawal of 9 million gallons per day.

This designation means that boaters are not allowed to discharge their on-board sewage into the water. Boaters are required to use appropriate pumpout facilities in any waterbody designated as a No Discharge Zone. The Environmental Facilities Corporation (EFC) maintains a list of pumpout facilities in New York on its Clean Vessel Assistance Program webpage.



Source: NYS Department of Environmental Conservation website

<sup>13</sup> NYS DEC - <http://www.dec.ny.gov/outdoor/7840.html>

Pursuant to Section 3-33(c)(10) of the New York State Navigation Law, where State designated vessel waste NDZs have been established, a municipality may adopt and enforce local laws prohibiting the discharge of vessel wastes in such waters within the municipality, or in such waters adjacent to the municipality to a distance of 1,500 feet from the shore. Either State statute or local law may be enforced by State or local police or peace officers.

### Fishing and Scuba Diving

Seneca Lake is promoted as being the Lake Trout capital of the world and is host of the National Lake Trout Derby. Lake regulations provide for an all year season on trout. Fishing regulations for the year can be obtained where licenses are available. Numerous fishing charters operate in Seneca Lake.

Catharine Creek originates in northern Chemung County and flows in a northerly direction until it empties into Seneca Lake at Watkins Glen. Catharine Creek is best known for its annual migration of wild rainbow trout during the Spring season. Thousands of anglers each year descend on Catharine Creek to try and catch beautiful lake run rainbow trout. DEC's regulations specified in the New York Freshwater Fishing Official Regulations Guide apply to fishing in this creek<sup>14</sup>. Fishing areas managed by DEC are mostly outside Watkins Glen WRA.

There are numerous canal barges resting on the bottom of the lake. A collection of barges on the southwest end of the lake, near the village of Watkins Glen, is being preserved and made accessible for scuba diving by the Finger Lakes Underwater Preserve Association.

### Mixed-use Trails

The Catharine Valley Trail<sup>15</sup> is a multi-use recreational trail that enters the Village and the Canal Sub-area at the southern boundary line. It stretches for approximately 13 miles mostly parallel to State Route 14 and along segments of the abandoned Northern Central Railroad and Chemung Canal towpath. This is a multi-use trail that connects Seneca Lake and the Watkins Glen State Park to the Mark Twain State Park. The trail is open year-round for non-motorized use only and it is excellent for hiking, biking and nature study.

Located partially within WRA, the Catharine Creek Wildlife Management Area provides ideal habitat for a diversity of wildlife including turtles, muskrats, ducks, beaver, deer, and great blue herons. Once navigable into what is now Montour Falls, the waters of Catharine Creek still feed a remnant section of the Chemung Barge Canal, which runs through the center of the marsh. This canal, once critical to local industrial development, connected this portion of New York to the entire east coast. The Pennsylvania Railroad, bordering the canal through the marsh, served the area after the canal was closed in 1878. The area is rich with history from the time of the Senecas through the years, when much of the marsh was used for crop farming, muskrat farming and eventually reed harvesting. Recreational opportunity abounds on this area with the most popular pursuits being hunting, fishing, trapping, hiking, canoeing/kayaking, bird watching, and nature study. The area is open year-around for the enjoyment of those who wish to participate in the various outdoor activities. Camping is not allowed in the Marsh.

---

<sup>14</sup> [http://www.dec.ny.gov/docs/fish\\_marine\\_pdf/pfrcathrneck.pdf](http://www.dec.ny.gov/docs/fish_marine_pdf/pfrcathrneck.pdf)

<sup>15</sup> Rails-to-Trails Conservancy <http://www.trailink.com/trail/catharine-valley-trail.aspx>

Hikers can access the Marsh at several locations: Rock Cabin Road South and the Montour Marina both in Montour Falls and Rock Cabin Road North and Fairgrounds Lane in Watkins Glen. The Barge Canal is used extensively by fishermen and boaters and many people dock their boats at the various marinas along the canal. A spur of the Finger Lakes Trail traverses the marsh as it takes the hiker past many of the scenic natural attractions found in the area.<sup>16</sup>



A One Mile Urban Trail in the center of the Village of Watkins Glen is outlined by painted markers on the sidewalk. This trail was implemented by Cornell Cooperative Extension of Schuyler County with assistance from the Bicycle and Pedestrian Advisory Committee (BACPAC). The purpose of the trail is to encourage people to be more active. The Urban Trail goes along the waterfront, then down the Main Street business district and through Watkins Glen's neighborhoods. The Urban Trail connects with the Catharine Valley Trail (CVT) and both trails follow the same path along Decatur Street to the waterfront. Blending the two trails together provides residents and visitors alike with the opportunity to experience Watkins Glen and the beautiful nature that surrounds it<sup>17</sup>.

The trail surrounding the Queen Catharine Marsh Wildlife Management Area offers great views and connects with the Catharine Valley Trail. It has is a newly completed handicapped accessible section from Marina Road to Route 14. A spur of the Finger Lakes Hiking Trail traverses the Catherine Creek Marsh WRA, and it takes the hiker past many of the scenic natural attractions found in the area. Hunting opportunity exists for such popular species as ducks, raccoon, rabbits, pheasant and deer, while trappers may pursue the numerous muskrats as well as other fur-bearers.

### Bird Watching, Hunting, and Nature Study



The Catherine Creek Marsh Wildlife Management Area (WMA) (Figure 9) is owned by New York State and under the management of the Department of Environmental Conservation's Division of Fish, Wildlife and Marine Resources. It was acquired by the State primarily for the production, protection, and use of wildlife. It provides a unique area for the public to interact with a wide variety of wildlife species. Recreational opportunity abounds, with the most popular pursuits being hunting, fishing, trapping, hiking, boating, bird watching, and nature study. The area is open year-around for the enjoyment of those who wish to participate in the various outdoor activities. The Barge Canal is used extensively by fishermen and boaters and many people dock their boats at the various marinas along the canal.

<sup>16</sup>Watkins Glen Chamber of Commerce - <http://www.watkinsglenchamber.com/hiking-biking>

<sup>17</sup> [http://www.metrodesignassociates.com/images/Walk-Hike-Bike\\_Map\\_web.pdf](http://www.metrodesignassociates.com/images/Walk-Hike-Bike_Map_web.pdf)



Seneca Lake

# CATHARINE CREEK

## Wildlife Management Area



Veteran, Chemung Co.;  
Dix and Montour, Schuyler Co.



### LEGEND

Freshwater Wetlands

Major Road

Other Road

### Managed Lands

Gate

Kiosk

Observation Tower

Parking Area

CP3 Trail

Trail

Administrative Road -  
vehicle access  
may be prohibited.

WMA Road (unpaved)

Fields on WMAs

DEC Fish & Wildlife  
(Public Hunting)

0 0.5 1  
Miles



Catharine Creek BCA, comprised of the Catharine Creek Marsh WMA, is approximately 890 acres in size, located at the south end of Seneca Lake. The site, one of the last remaining headwater marshes in the Finger Lakes, is a large emergent wetland at the southern end of Seneca Lake, between Watkins Glen and Montour Falls. Once navigable to Montour Falls, the waters of Catharine Creek still feed a remnant section of the Chemung Barge Canal, which runs through the center of the marsh. Queen Catharine Marsh is designated an Important Bird Area by Audubon New York.

This BCA meets criteria for diverse species concentration site, individual species concentration site, species at risk site, and bird research site (ECL S11-2001 3f, g, h, i). This area supports American black duck, common loon, pied-billed grebe, American bittern, least bittern, osprey, bald eagle, American woodcock, willow flycatcher, sedge wren, wood thrush, blue-winged warbler, prothonotary warbler and rusty blackbird. Other wetland dependent species which breed here include Virginia and sora rail, marsh wren, and swamp sparrow.<sup>18</sup>

### 2.11 Historic Resources

Located within the waterfront area are historic structures of potential national and local significance, illustrated in Figure 7: Historic Resources. There are several historic structures that the State Historic Preservation Office considers to be eligible for inclusion in the National Register of Historic Places.



*Photo Provided By: Schuyler County Historical Society*

The Richtmeyer Seed Store (circa 1850), now referred to as the Scuteri Building, is one of few historic industrial buildings in the Village. It is located in the Western Lakefront sub-area and as noted previously is slated for redevelopment for residential purposes. Nearby are the Frost Machine Shop (circa 1873), a former foundry and a remnant of the 19th century industrial prosperity of the Village. This structure is now known locally as the Seneca Agricultural Iron Works Building and has recently undergone renovation for use as a commercial office building.

Although of more recent construction, the Municipal Light Building (circa 1915) also contributes to the historic fabric of the western sub-area and is undergoing redevelopment for residential purposes with completion scheduled for late 2013.

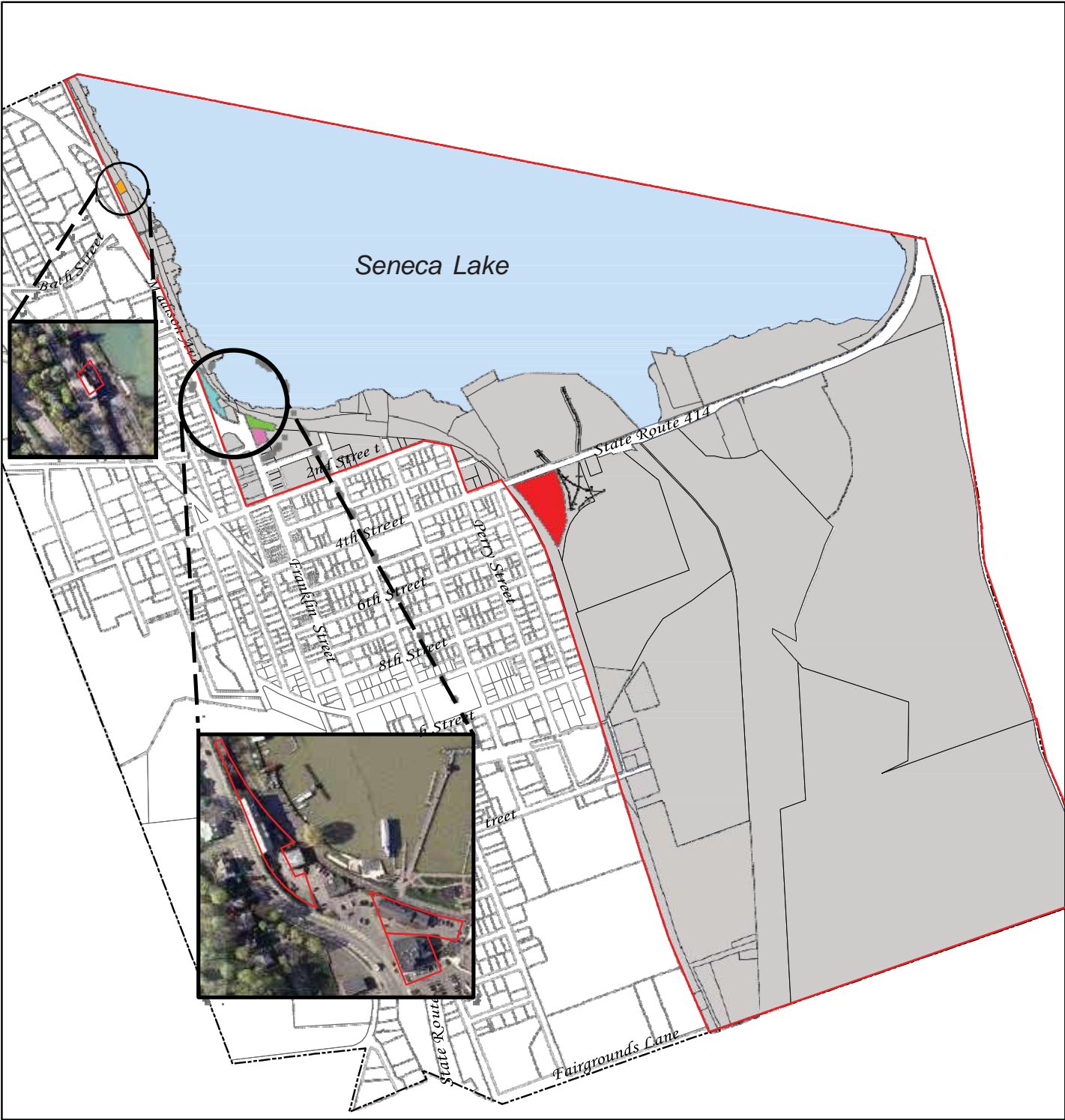
Also located in this area is the former Pennsylvania Central railroad station (circa 1876), an intact survivor of the early period of railroad stations. It was a significant aspect of the development of tourism in the Village in the latter part of the 19th century and through the 1940s. Acquired by a private firm, it is now a restaurant and a focal point of the lakefront.

The commercial core on Franklin Street contains a distinctive and cohesive concentration of 19<sup>th</sup> and early 20<sup>th</sup> century commercial buildings, located within or immediately adjacent to the waterfront area.

<sup>18</sup> Catharine Creek Bird Conservation Area - <http://www.dec.ny.gov/animals/48724.html>



Figure 7: Historic Resources



- Village of Watkins Glen
- Roads
- + Railroad
- Seneca Lake
- Parcels

- Henry Lembeck House/  
Fall Brook Coal Company
- Penn Central Railroad Station
- Richtmeyer Seed Store/  
Scuteri Building
- Seneca Agricultural Iron Works Building/  
Frost Machine Shop
- Municipal Light Building

0 0.1 0.2  
Miles

The portion of Franklin Street between 2<sup>nd</sup> Street and 4<sup>th</sup> Street, outside WRA, was designed as a historic district by the National Park Service. The Watkins Glen Commercial Historic District, as it was named on the National Register of Historic Places, features more than 30 historic buildings constructed between 1844 and 1939<sup>19</sup>.

In the Canal sub-area, there is the Fall Brook Coal Company/Henry Lembeck house (circa 1865-70). This is a well- preserved example of Italianate architectural style. It is significant for its association with the coal industry and later with Henry Lembeck - the Lembeck family continues to own and occupy the building. Many of the original outbuildings are intact.

Recent archaeological investigations in the Canal area have revealed possible evidence of Native American artifacts. Additional investigations should be completed prior to further development.

### 2.12 Infrastructure

A full range of municipal utilities and public infrastructure serves the Village of Watkins Glen, typical of a small, urbanized area. The following describes key components, including the water supply, sewage disposal, solid waste disposal, and transportation systems.

#### Drinking Water Supply

The Village is served by a public water system. The raw water source is Seneca Lake. Currently, there are 4 municipal water supplies that draw water from Lake Seneca, with total permitted withdrawal of 9 million gallons per day. From the lake, water is filtered, chlorinated, and pumped to three standpipes located on the hillsides above the Village and then distributed throughout the Village.

In 1995, the Village completed the installation of a water filtration system and an upgrade of the distribution system, at the request of the NYS Department of Health. The improved filtration plant has a capacity of one million gallons per day (MGD). The Village will continue to operate a water pumping facility near the shoreline using the lake as its source of water. The water filtration facility is located outside WRA.

#### Sewage Disposal System

The Village is served by a public sanitary sewage disposal system. The permitted capacity of the treatment plant is 0.7 MGD. Projected future wastewater amounts could potentially cause the plant to operate at full capacity. In 2008, the village was actively addressing stormwater infiltration issues in the sanitary collection system. The Watkins Glen Wastewater Treatment Plant (WWTP) is operating under a consent order issued by the NYS Department of Environmental Conservation. The consent order cites 118 SPDES permit excursions during the period from February of 2002 through March of 2012. For this reason, public bathing and water supply use in the southern portion of Lake Seneca is thought to be threatened by pathogens and other pollutants from the inadequate Watkins Glen WWTP. The majority of the unit processes existing at the 50-year-old facility have more than exceeded their design service life. The Plant has a history of SPDES permit violations dating back to 2007 for various parameters including settleable solids, fecal and total coliform, and total residual chlorine. The plant went through upgrades in an attempt to curb these issues.

---

<sup>19</sup> Village of Watkins Glen Comprehensive Plan - <http://www.schuylercounty.us/DocumentCenter/View/1534>

The Watkins Glen Comprehensive Plan, produced in 2012, recommends the relocation the wastewater treatment plant near the wetlands, and its reengineering as green infrastructure that will take advantage of the natural capacity of the wetland to treat wastewater. A study conducted in 2010 by Alliance Environmental assessed the land of the treatment plant to have a value of around \$1,150,000.

Because of discussions with county-wide and regional stakeholders, an agreement was reached in June of 2012 to pursue development of a single regional sewage disposal system to replace not only the existing Watkins Glen sewage disposal system, but also the existing Montour Falls system, which has similar problems. This action is part of the larger Project Seneca, which seeks to:

- Move the Watkins Glen facilities off the lakefront;
- Convert the Montour Falls facilities to a pump station and enhance Marina Park;
- Implement long-term, sustainable waste water treatment technologies, including the use of “green” technologies, and LEED design principles and energy conservation approaches, where cost effective;
- Maximize grant funding opportunities;
- Minimize costs going forward for both communities
- Address consent order and current and anticipated future regulatory requirements;
- Develop a fair and equitable system governance and operation and maintenance agreement;
- Meet “Smart Growth” initiative requirements;
- And design to be operator friendly, not labor and operating cost intensive.

### Solid Waste Disposal

Solid-waste is collected by private haulers. Waste is transported to various landfills outside of the Village and Schuyler County. Contract relationships with private haulers provide adequate capacity to accommodate residential and commercial development that may occur in the Village. Industrial development resulting in specialized requirements for industrial waste disposal may be difficult to accommodate because no facilities are available within the Village or County.

### Transportation System and Parking

The Village of Watkins Glen serves as a transportation hub for the Finger Lakes Region. From the Seneca Canal and the southern tip of Seneca Lake, access is afforded to the entire New York State Canal System, which totals 524 miles of waterways, comprised of artificial, land-cut sections and canalized rivers and lakes.

The Canal System provides boat access to the St. Lawrence Seaway, the Great Lakes and the Atlantic Ocean. It represents a substantial asset to the Village for future recreational opportunities.

Primary access to the Village is via state roads. State Routes 14 and 414 traverse the west and east sides of Seneca Lake respectively, and briefly converge in Watkins Glen, adjacent to the waterfront area, approximately 40 miles south of Interstate 90 and about 17 miles north of the Southern Tier Expressway (State Route 17/I-86). State Routes 14 and 414 connect to State Route 17/I-86 at Horseheads (north of Elmira) and Corning respectively

The Villages of Watkins Glen and Montour Falls Area Transportation Study, produced in 2009, provides a basic inventory of existing transportation system conditions including roadway operations, pedestrian



accommodations, and multimodal opportunities to help guide future transportation needs and assessment opportunities. This Study identifies Route 14 as the main entry to the village and a major gateway to the central business district of the Village, and recommends improvements to create a pedestrian friendly and welcoming gateway, as illustrated in the graphic above<sup>20</sup>. It also points out safety issues with Route 414 and recommends addressing those safety problems at the municipal level with involvement by NYSDOT Region 6. Route 414 acts as a second commercial district through the eastern portion of the Village. Any proposed future projects involving the use of the state highway, such as State Route 14 (Franklin Street), must be coordinated with Region 6 NYSDOT, and a Highway Work Permit may be required.

Parking in the Village of Watkins Glen is available on the street throughout the Franklin Street commercial area and along Route 414. Surface parking lots are scattered throughout downtown for particular businesses like the Harbor Hotel. A parking study conducted in 2009 by the Cornell Cooperative Extension of Schuyler County concluded that the overall parking in the commercial district of the village is not congested. When particular areas face congestion at various points of the day additional parking could be found within a close distance. The same study suggested signage improvements, a change in employee parking habits, enforcement of time limits in parking spaces, and improved access to Franklin Street and other points of interest from parking spaces a few blocks away from the main commercial area<sup>21</sup>.

Another key feature of the waterfront is the rail line located along the shoreline in the Eastern and Central Lakefront sub-areas. Acquired by Finger Lakes Railway Corporation in the mid-1990s, this railroad line serves as an important artery for transportation of freight to and from the major salt mining plants located within or in close proximity to the Village. In the summer of 2002, Finger Lakes Rail operated the Finger Lakes Scenic Railway, a tourist train ride originating in Watkins Glen and terminating north of Glenora Point. Services were terminated in late 2002 and have not yet returned. However, Finger Lakes Rail does run fundraising and special event excursions.

### Utilities

The Watkins Glen Electric Department provides its residents with electricity bought from the New York Power Authority. Electricity in the village is among the very lowest in the region, which is a great economic incentive locate in the village. Natural gas for Watkins Glen is provided by NYSEG, a subsidiary of Iberdrola USA.

<sup>20</sup> <http://www.schuylercounty.us/DocumentCenter/View/1519>

<sup>21</sup> Watkins Glen Comprehensive Plan - <http://www.schuylercounty.us/DocumentCenter/View/1534>



## 2.13 Topography and Geology

The Village is located within the Portage sandstone escarpment, which demarcates the northern edge of the Allegheny Plateau. This area is easily identified by the series of steep hills and large valleys that are prominent in this area. Glacial ice sheets flowed across this area twice during the past million years, and they exerted overwhelming forces and hundreds of tons of weight on the bedrock.

This erosive power increased as the southward flowing glacier continued to collect and transport rock debris, which acted like a gigantic sheet of highly abrasive sand paper on the landscape. The greatest volumes of ice were directed into valleys aligned on a north-south axis.

It is estimated that more than two thousand feet of ice covered the entire region. The overall effect on the valley was to deepen its floor, increase the slope of the sides and smooth out any irregularities. The rock basin of Seneca Lake is a good example of these forces. In pre-glacial times the basin of Seneca Lake was much like a core or funnel, with its larger opening to the north. As the ice flows initially progressed southward, the ice became concentrated and squeezed through the “narrow” valley. This caused the glacier to increase in speed and enhance the rate of erosion and enlarged the valley until the volume of ice entering the valley maintained a constant speed.



— USGS 10 Meter Contours    □ Village Boundaries    □ Town Boundaries

Source: NYS DOS Geographic Information Gateway

Another landform that is associated with the glacially shaped Seneca Valley is the “hanging” valley. These valleys are oriented in an east-west axis and join the Seneca Valley. They are the site of many spectacular waterfalls and gorges of various sizes. The hanging valleys originated as small tributary glaciers that occupied the narrow side valleys adjacent to the larger ice flow.

According to the United States Department of Agriculture, Soil Conservation Service, Soils Survey of Schuyler County, 1978, soils in the Eastern Lakefront, Canal and parts of the Central Lakefront sub-areas are derived from glacial till and fluvial deposits left by the retreating glaciers. The soil association for the

area is characterized by Wayland, Teek, Aquepts and Saprists, which are described as dominantly level, deep, poorly to moderately well drained, medium textured mineral soils and inundated organic soils; on floodplains and ponded lowlands. There are also areas of Udorthents soils, which have been altered by grading for construction purposes. Soil material has generally been excavated from these areas and subsequently filled with debris, coal, bricks and rubble deposited on the lakebed between 1874 and the 1940s. The Village-owned lakefront park primarily consists of these soils. The main limitations for most non-farm uses are the seasonal high water table and periodic flooding in this area.

The western portion of the Central Lakefront sub-area contains Chenango gravelly silt loam soils typically of glacial outwash plains and stream terraces. This soil is suitable for non-farm uses.

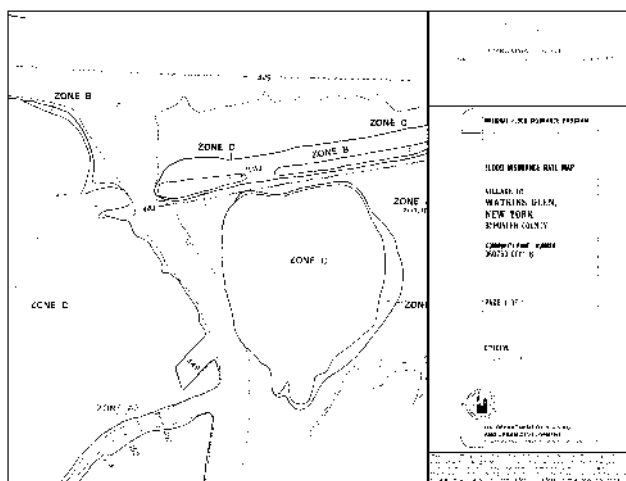
The Western Lakefront sub-area contains Lordstown-Arnot complex soils and consists of steep, moderately well drained Lordstown soils and steep, shallow, well-drained Arnot soils. These soils are limited for most non-farm uses by the shallow to moderate depth to bedrock and by slope.

The base elevation at the shoreline of Seneca Lake is approximately 440 feet above sea level, sloping to an elevation of 700 feet along the western side of the valley on the Village outskirts. The waterfront area is generally flat except in the Western Lakefront sub-area where steep sloping sides of exposed rock exist within 50 to 100 feet of the shoreline.

## 2.14 Environmentally Sensitive Features

This section describes land and water resources within the waterfront area that are sensitive to developmental activities and therefore, may represent a barrier to future development. The environmentally sensitive features include steep slopes, wetlands and flood prone areas, and are represented on Figure 6.

As indicated previously, steep slopes exist along the western shoreline of Seneca Lake. There are nearly vertical cliffs found in this area between the railroad right-of-way and the roadway. Such slopes present an obvious constraint to development because of the costs associated with storm water runoff and drainage factors, erosion potential and sewage disposal limitations. Disturbance of these slopes should therefore be minimized or avoided altogether.

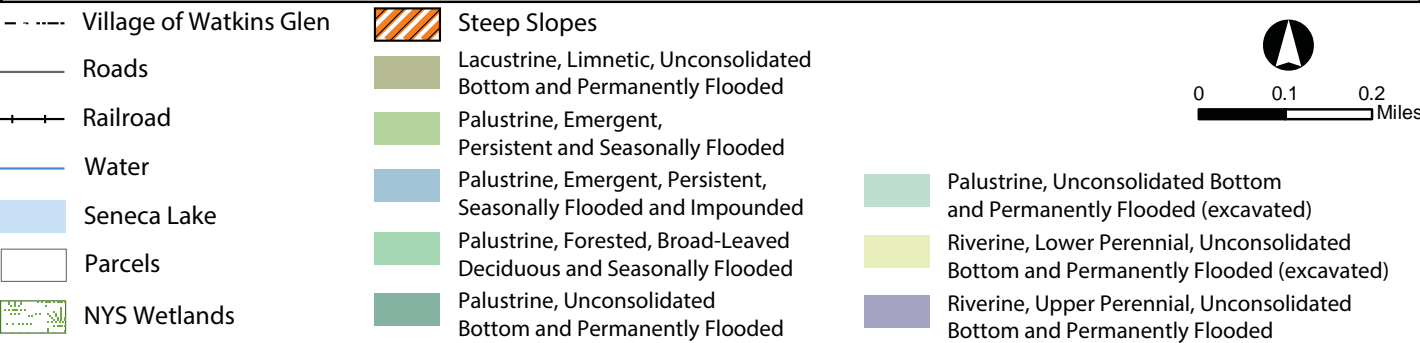
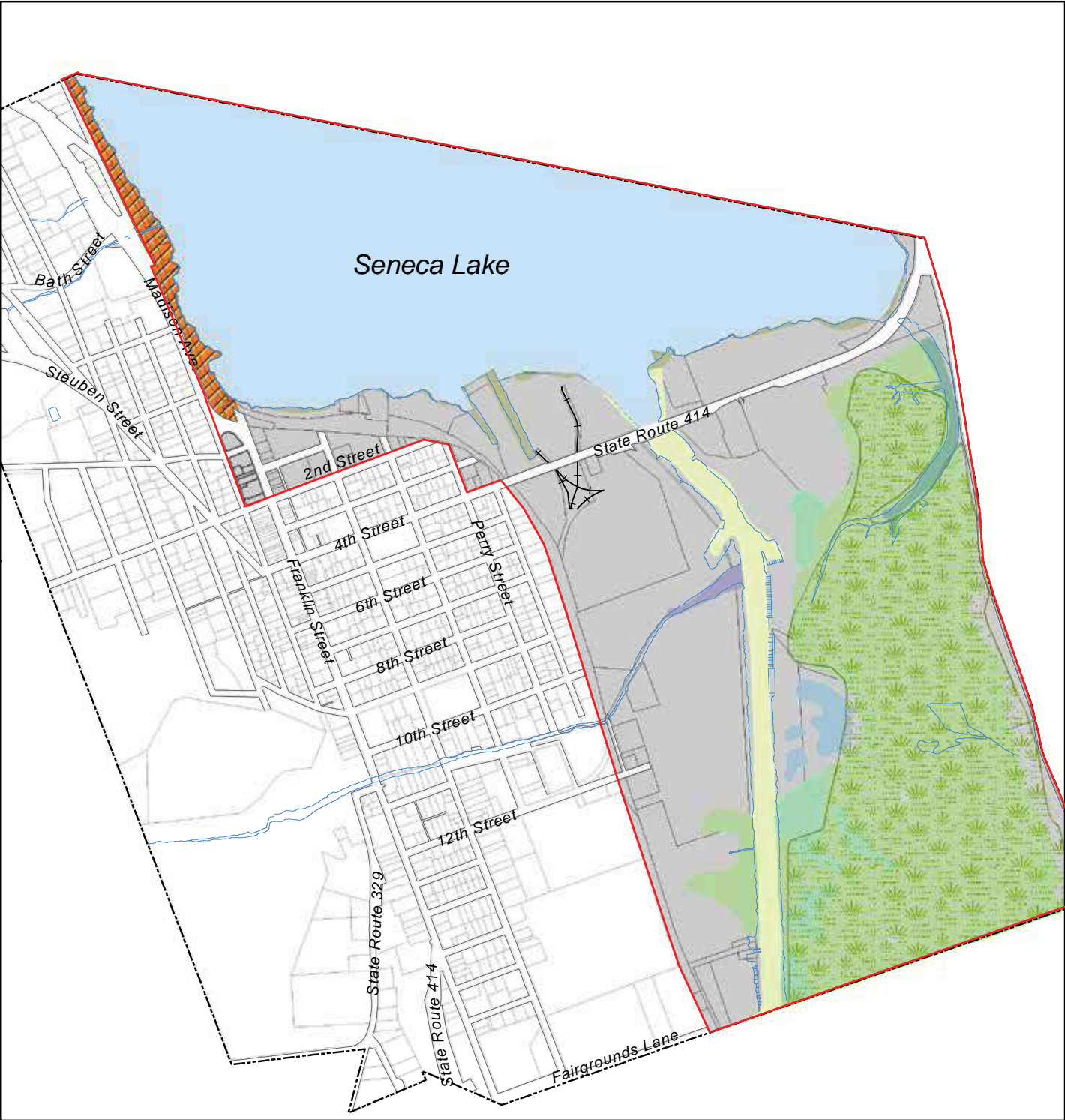


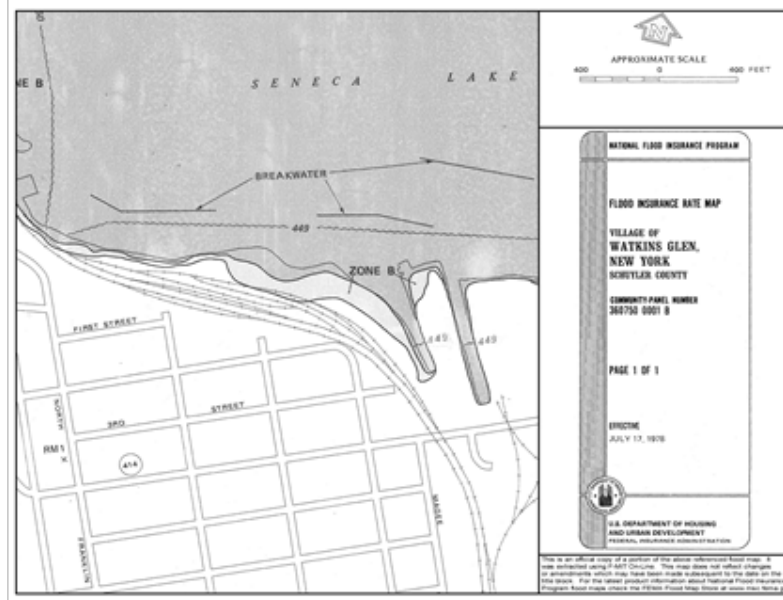
Flood prone lands also exist within the Village waterfront area. The Federal Emergency Management Agency has designated both flood hazard areas and floodways along Seneca Lake and the canalized portion of Catharine Creek.

These flood-prone areas generally exist along the immediate shoreline and in the Canal and Eastern Lakefront sub-areas. A flood hazard area has a 1% chance of being inundated by floodwaters each year. A floodplain also covers most the land that comprises Clute Park.



Figure 6: Environmentally Sensitive Features



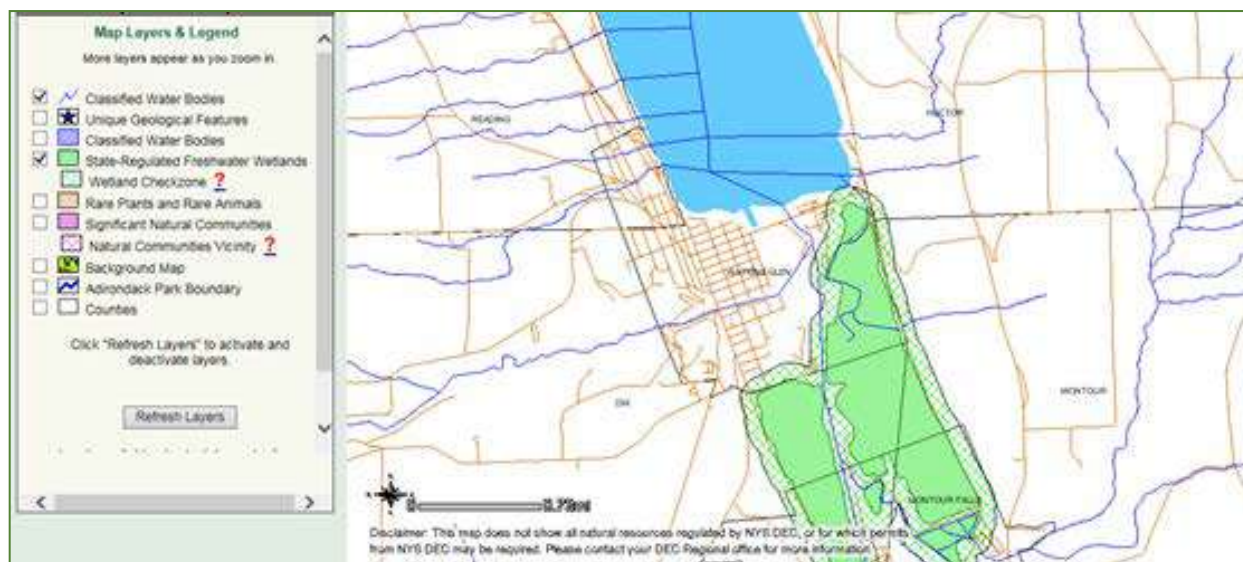


Source: FEMA website

## Wetlands

Wetlands are those areas where the groundwater level approaches or covers the land surface, including such areas as swamps, marshes and bogs. They are closely related to flood prone lands in that they act as a natural water retention area during storm events. This storage function serves two purposes; it reduces the rate of runoff to downstream areas and allows augmentation of groundwater levels during dry periods. Wetlands also provide a natural habitat for a wide variety of wildlife and plant species.

The lake and canal area also serve as natural areas for the many migratory birds that inhabit the Finger Lakes Region.



Source: NYS DEC Environmental Resource Mapper

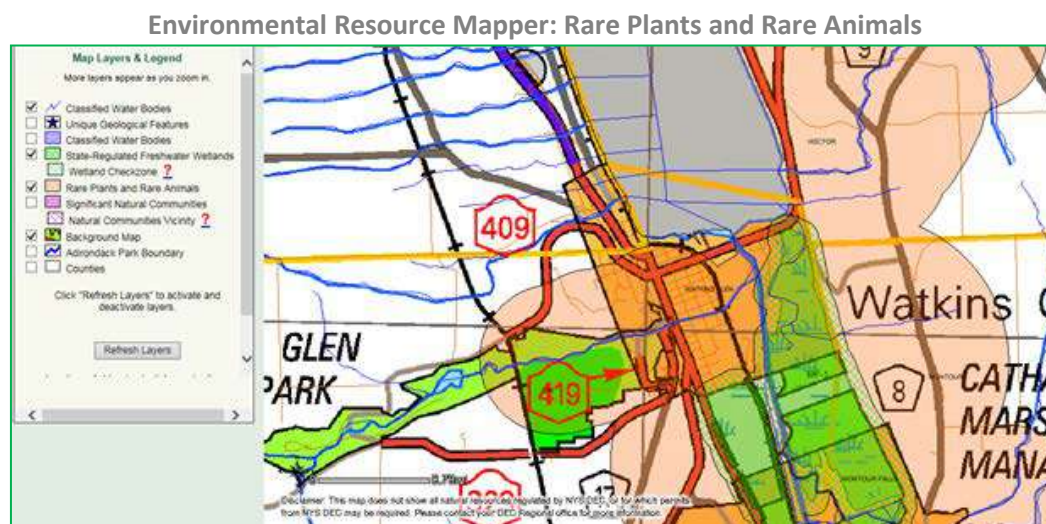
The Queen Catharine/Catharine Creek Marsh is a Class I freshwater wetland covering nearly 1,000 acres is located between Watkins Glen and Montour Falls. This wetland area is State-owned and designated as a Wildlife Management Area (WMA) under the jurisdiction of the New York State Department of Environmental Conservation (DEC). If a proposed project may encroach into this area, a field biologist from DEC Region 8 will need to perform a field delineation to determine where the actual wetland boundary is and advise the entity undertaking the project how to avoid impacts in the wetland or its regulated 100-foot buffer zone. Also, for the further protection of its plants and wildlife, the Queen Catharine/Catharine Creek Wildlife Management Area was also designated as a NYS Bird Conservation Area (BCA), in 2008, and Critical Environmental Area (CEA), in 2009<sup>22</sup>.

This waterfront area may provide an opportunity for future waterfront development, including water dependent uses, recreation, and public access, if important wetland functions are not adversely impacted and the problems associated with development in a wetland area can be mitigated.

The importance of wetlands for flood mitigation and protection of water quality suggests that careful consideration and evaluation be given to any development proposal that may infringe upon a wetland area. However, following its designation, the CEA is a relevant area of environmental concern and the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA must be evaluated in the determination of significance prepared pursuant to Section 617.7 of SEQR.

### Ecological Communities

An ecological community is a variable assemblage of interacting plant and animal populations that share a common environment.



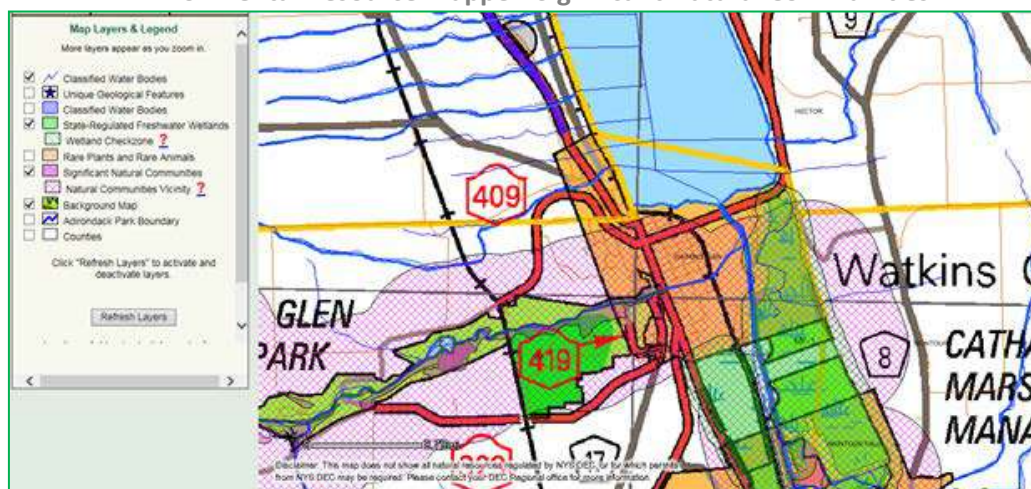
As part of the New York Natural Heritage Program inventory, a classification has been developed to help assess and protect the biological diversity of the state. An interactive mapping application prepared by the Department of Environmental Conservation indicates the general areas where rare animals, rare

<sup>22</sup> Catherine Creek Marsh Complex- <http://www.dec.ny.gov/outdoor/24429.html>



plants, and rare and significant natural communities (such as forests, wetlands, and other habitat types) have been documented by the NY Natural Heritage Program.

Environmental Resource Mapper: Significant Natural Communities



Source: NYS DEC Environmental Resource Mapper

A natural ecological community is defined as an assemblage of interacting plant and animal populations that share a common environment; the particular assemblage of plant and animal species occurs across the landscape in areas with similar environmental conditions. Freshwater wetland, estuarine, and upland natural communities are classified according to their dominant vegetation and their physical setting; aquatic, marine, and cave natural communities are classified according to their physical setting and their dominant flora and fauna.

### Aquatic Life Resources

The Seneca Lake and the canalized portion of Catharine Creek support abundant and diverse warm and cold-water fish populations. Seasonally, many of the important cold-water species such as lake trout, brown trout, rainbow trout, landlocked Atlantic salmon and rainbow smelt move into the shallow areas of the lake, and some of these species, into tributaries. Catharine Creek, which is known for its spring runs of rainbow trout, is considered to be the lake's most important tributary for rainbow trout spawning. The lower canalized area of Catharine Creek is a migration route for fish moving in from the lake. The actual spawning grounds of the rainbow trout are found between the Village of Montour Falls and Pine Valley. Consequently, this is where most of the angling occurs.

The canalized area of Catharine Creek may serve as a short-term nursery for the rainbow trout and provides spawning, nursery and adult habitat for various warm water species.

## 2.15 Water Quality

Lake Seneca, named for the Seneca nation of Native American people, is the largest and deepest of all the Finger Lakes at 4.2 trillion gallons in volume and 291 feet in average depth. The Lake Seneca Watershed comprises 14% of the greater Oswego River Watershed<sup>23</sup>.

Catharine Creek and Keuka Lake Outlet are the lake's two water inlets. As the deepest and widest of the Finger Lakes, Seneca Lake reaches the maximum depth of 618 feet and provides a near-optimal habitat for Lake Trout. The water quality of Lake Seneca is generally good. The New York State Department of Environmental Conservation (DEC) has established a rating of "AA" for all of Seneca Lake within Schuyler County. The waters shall be suitable for fish, shellfish, and wildlife propagation and survival. However, the lake is on the New York State Department of Environmental Conservation (NYSDEC) Priority Waterbody List (PWL) as Water with Minor Impacts. This means that the current uses of the lake are fully supported but some water quality impacts have been observed and action must be taken to ensure that the water will continue to support its uses in the future. Prominent pollutants include pathogens and oxygen demand from the Watkins Glen WWTP and general lakeside activities as well as sediment from eroding stream banks and steep slopes surrounding the lake.

As stated in Part 701: Classifications of Surface Waters and Groundwater, an "AA" rating indicates that the lake's best usages are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. It further states that this classification may be given to those waters that, if subjected to approve disinfection treatment, with additional treatment if necessary to remove naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes. The Seneca Lake Pure Water Association has established a regimen of water quality testing within the lake and its major tributaries to monitor and track water quality conditions over time.

The water quality conditions in Seneca Lake are threatened such that use may become limited for water supply and fish propagation. Fish propagation is threatened by the smothering of spawning beds in tributaries with sediment from non-point source runoff. Initially, concern focused on the littoral zones on both sides of the lake from Dundee south and from the Seneca/ Schuyler County line south, but the 1996 report on Priority Waterbodies indicated that this problem is not as severe as it was in the past. DEC identified that the silviculture practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values, and agriculture, together with road bank and stream bank erosion, are possible sources of sediment. These problems have been outlined in the DEC 2008 Priority Waterbodies List for the Oswego River/Finger Lakes Drainage Basin and updated in the 2012 assessment.

The Watkins Glen WWTP has a history of SPDES permit violations dating back to 2007 for various parameters including settleable solids, fecal and total coliform, and total residual chlorine. The WWTP outfall is currently located between a public access beach and a drinking water intake. During the past few months, the WWTP has reported discharge of settleable solids of more than 20ml/l (limit is 0.3) coliform in the thousands and fecal coliform in the several thousands. These periodic exceedances appear to be related to significant infiltration/inflow (I/I) issues in the collection system and outdated

---

<sup>23</sup> Vessel Waste No Discharge Zone Designation Petition For Lake Seneca and Lake Cayuga, New York  
[http://www.dec.ny.gov/docs/water\\_pdf/ndzfglks2014.pdf](http://www.dec.ny.gov/docs/water_pdf/ndzfglks2014.pdf)

disinfection equipment that is currently being upgraded. A consent order has been issued to address primarily the infiltration/inflow issues, as it appears the village has corrected other items that were thought to be contributing to permit violations. As noted earlier, the Village is considering building a new plant in cooperation with the Village of Montour Falls, and has qualified for nearly \$25 million in hardship financing through the New York State Environmental Facilities Corporation.

The New York State Department of Environmental Conservation has established a rating of “C(ts)” for those portions of the streams that flow through the Village’s waterfront area, including Catharine Creek and Glen Creek. The Department of Environmental Conservation also established a rating of “C(T)” for Seneca Outlet. A “C” rating indicates that the stream’s best usage is for fishing. These waters are suitable for fishing and fish propagation.

The water quality is suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes. The “(ts)” indicates that these streams are designated as trout spawning streams and the “(T)” indicates that these streams are trout waters. As a result the streams are held to a higher standard of water quality and are subject to additional permit requirements.

Two studies, “A Preliminary Water Quality Study of Selected Finger Lakes, New York (6/1/2006) and “Water Quality of Seneca Lake, New York a 2007 Update” (2/05/08), both by Hobart & William Smith Colleges, reported that Seneca Lake is among the worst of the Finger Lakes in terms of water quality and is currently a mesotrophic (moderately productive) lake due to nutrient loading. Higher productivity of the lake can lead to de-oxygenation of the lake, leading to the demise of animals that require dissolved oxygen (i.e. trout, crawfish and worms). Furthermore, high productivity (excess nitrates) also induce health risks to humans. If further nutrient loading occurs, Seneca Lake could become eutrophic (highly productive). This, as the researchers say, is of concern because Seneca Lake provides 50% of the water in the Finger Lakes; and, once Seneca Lake is degraded, it will stay degraded for generations due to the multi-decade water residence time.

Future development may affect water quality. As a result, storm water management practices should be an integral part of all new development and where possible, retro fitted to existing development. Properly designed storm water management practices achieve multiple purposes and objectives such as flood control, erosion and sediment control, water quality management and ground water replenishments. There are some relatively minor problems associated with hazardous and toxic wastes entering the Lake’s tributaries from closed landfills and illegal dumpsites. Illegal dumping is less of a problem than it once was, and leachate from a major, closed landfill within the county is contained and shipped out of county for treatment.

Until recently, an inactive hazardous waste site was registered within the Central Lakefront sub-area. The NYS Department of Environmental Conservation (NYSDEC) investigated to determine the extent of contamination caused by carbon tetrachloride derivatives and developed a remedial action plan. The cleanup of the site was completed in the summer of 2000. At two nearby sites, both former gasoline stations, there have been clean-up efforts by private individuals for one site and the NYSDEC via their Spill Fund for the other site. The former or private site clean-up and related Underground Storage Tank (UST) removal efforts are complete, while it is expected that additional clean-up will be required.



## SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES

This section presents the Watkins Glen waterfront revitalization policies that guide waterfront actions that promote an appropriate balance between economic growth and environmental protection within the Watkins Glen Waterfront Revitalization Area (WRA). These policies take into consideration the physical, economic, environmental and cultural characteristics of the local waterfront.

### Developed Waterfront Policies

- Policy 1**      **Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.**
- 1.1**      **Concentrate development and redevelopment in or adjacent to traditional waterfront communities.**
  - 1.2**      **Ensure that development or uses take appropriate advantage of their waterfront location.**
  - 1.3**      **Protect stable residential areas.**
  - 1.4**      **Maintain and enhance natural areas, recreation, open space lands.**
  - 1.5**      **Minimize adverse impacts of new development and redevelopment.**

### Explanation of Policy 1

The collection of natural, recreational, commercial, ecological, cultural, and aesthetic resources in the community or landscape defines its character; and the distribution of developed and open lands establishes a pattern of human use that reflects an historic choice between economic development and preservation of waterfront resources.

This policy is intended to foster a development pattern that provides for economic prosperity and the beneficial use of waterfront resources in the Village of Watkins Glen. The existing land uses of the Watkins Glen waterfront area are presented in four distinct areas of the WRA illustrated in Figure 2: Central Lakefront, Eastern Lakefront, Canal Area and Western Lakefront.

The Central Lakefront sub-area includes the greatest diversity of uses within Watkins Glen WRA. It contains a mix of commercial uses between Perry Street and the Finger Lakes Railway right-of-way, north of East Fourth Street; residential uses are mainly located between Perry Street and Decatur Street on the north side of East Second Street; the area south of the rail line, between Decatur and Madison, includes part of the Franklin Street business area; the Cargill Salt industrial facility occupies the eastern most area, while the center area north of the Finger Lakes Railway right-of-way is dominated by the Village's sewage treatment plant; 4.9 acres of land within the area east of the sewage plant are private

undeveloped open space, while the Seneca Harbor Park and marina owned by Schuyler County covers 4.7 acres west of the plant and adjacent to the 110-room hotel. The underutilized land and buildings of the area offer the greatest opportunities for future development that will increase retail commercial uses in the central business district, high-end housing and bed and breakfasts within the residential areas, and professional office space. The number of businesses offering services for boater may expand.

The Eastern Lakefront sub-area, located north of NYS Rte. 414 and extending eastward along the lakeshore to the village limits, includes Clute Memorial Park and the village owned Tank Beach.

The Canal sub-area includes the lands south of NYS Rte. 414, from the village boundary to the Seneca Lake Inlet, those along the eastern Village boundary along Rock Cabin Road, and all lands east of the Finger Lakes Railway right-of-way, from East Fourth Street south to the Village boundary at Fairground Lane. This sub-area is essentially divided in half by the Seneca Canal/Catharine Creek and dominated by recreational uses. Three privately operated marinas, a yacht club, and a public boat launch are located on the canal. The northern half of the eastern portion of the Canal sub-area is occupied by a section of Clute Memorial Park and camping area owned by Cargill Salt and operated by the Village. The southern half of the eastern portion is predominantly open space and occupied by the Queen Catharine Marsh, as illustrated on Figure 9, a protected wetland owned and managed by the Department of Environmental Conservation (DEC). The western portion is predominantly open space, but includes two marinas with boat sales and services, and the local high school athletic fields. This is also the location of the Canal District, a major portion of which is occupied by a national discount retailer and smaller off-lot commercial uses. Watkins Glen acts as an important service port for the Seneca Canal. The Canal Area offers significant opportunity for additional marina and related facilities, as well as residential and expanded campground uses, to be developed with the support of the Canal Corporation.

The Western Lakefront sub-area includes that portion of the waterfront area extending from the Village's northern boundary south along the shoreline to Captain Bill's Seneca Lake Cruises, northwest on Franklin Street to North Madison Avenue, and then north along and Madison Avenue/ Lake Shore Drive to the Village boundary. Varying in width up to 100 feet, this narrow strip of land between the shoreline and the retaining wall or steep slopes along Lake Street and Madison Avenue has allowed for minimal development. This land served by municipal water and without sewage disposal services is occupied by year-round and seasonal occupancy bungalows and boathouses. The largest owner is Finger Lakes Railway Corporation, which owns the right of way for a single line. Proposed uses for this area include upgraded marina and boating facilities, and other water dependent or water enhanced uses, such as housing.

The revitalization efforts of the Watkins Glen waterfront will focus on the following actions:

- Provide for the reuse and redevelopment of vacant and underutilized industrial and commercial land and structures in the Western and Central Lakefront areas.
- Develop improved public access and recreational opportunities in the waterfront park areas owned by the Village and the County and consider expanding these areas.
- Expand and capitalize upon the recreational boating opportunities offered by the lakefront and canal along with related residential and commercial development opportunities.
- Provide for development of land between the rail right-of-way and canal south of Fourth Street while preserving the environmentally sensitive features of this area and improving public access and recreational opportunities.

- Support efforts to provide for infrastructure needed to enhance and maintain allowable uses in areas where development is appropriate. Although the lakefront area predominantly consists of previously developed or currently developed lands, in some instances the existing infrastructure is inadequate for redevelopment or needs to be expanded to address identified needs.
- Support the preservation of historic and cultural resources found in the lakefront areas.

The following planning principles should be used to guide investment and the preparation of development strategies and plans for the waterfront:

- scale development to be appropriate to the setting;
- design development to highlight existing resources and reinforce community identity;
- design the waterfront to increase public access to the area;
- provide connections and signage linking the waterfront and upland portions of the community;
- integrate community and regional needs and market demands when making development choices;
- recognize environmental constraints as a limiting factor for development and devise ways to blend environmental preservation into site design, wherever possible, to achieve development without adversely impacting important environmental resources;
- restore environmental quality to degraded areas for both resource preservation and revitalization; and
- All development or uses should recognize the unique qualities of the waterfront by:
  - using building and site design to make beneficial use of the waterfront locations, associated resources and storm water impacts;
  - minimizing consumption of waterfront lands that does not meet the intent of this policy or that would result in potential adverse impacts on natural resources;
  - incorporating recreational activities, public access, open space and other such amenities into waterfront designs to increase visual and physical public access to the waterfront;
  - ensuring that design and locals of uses and structures complement the surrounding community and landscape;
  - using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demands; and
  - using appropriate signage and other amenities to promote tourist activities and ensure better wayfinding along the waterfront.

#### Explanation of Policy 1.1

New development or redevelopment should be located where infrastructure is adequate or can be upgraded to accommodate such development. The scale of development or redevelopment along the waterfront should be appropriate to the setting and character of the area and highlight existing resources that reinforce community identity. Public investment, actions, and assistance in waterfront redevelopment areas should reclaim underused waterfront lands for new purposes. New development should be located where infrastructure is adequate or can be upgraded to accommodate new development.

Particularly in a small village with limited resources, existing infrastructure and public facilities must guide development decision-making. Water, sewer, electrical and other village services serve the waterfront area. Moreover, the scale of development described in Section IV is within the capacity of existing public services. Through its construction, taxing, funding and regulatory authority, the Village can shape the course of development.

Through these actions, development in the waterfront area will be encouraged to locate within existing areas of development where infrastructure and public services are adequate, and where topography, geology, and other environmental conditions are suitable for, and able to accommodate, appropriately-scaled development.

This policy is intended to strengthen existing residential, commercial and industrial centers, foster an orderly pattern of growth, increase the productivity of existing public services and moderate the need to provide new public services, and preserve open space.

The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:

- Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
- Development's water needs can be met by the existing supply system, including consumption and firefighting;
- Sewage disposal systems can accommodate the wastes generated by the development;
- Energy needs of the proposed land development can be accommodated by on-site and/or off-site facilities;
- Schools, police, and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area where new development is planned to be located.

### Explanation of Policy 1.2

Reserve the waterfront for water-dependent uses and activities. Accommodate water-enhanced uses along the waterfront where they are compatible with surrounding development, do not displace or interfere with water-dependent uses, and reflect the unique qualities of a waterfront location through appropriate design and orientation.

Long-term demand for waterfront development will intensify because the finite amount of waterfront space. Uses that require waterfront sites should have access to the shoreline. To ensure that water-dependent uses can continue to be accommodated along Seneca Lake and Catherine Creek. The Village and regional and state agencies should avoid undertaking, funding or approving non-water-dependent uses when such uses could compete with foreseeable development of water-dependent uses. A water-dependent use is an activity that can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and that involves the use of water as an integral part of such activity.

Water-dependent uses and water-enhanced uses should be sited and designed to:

- attract people to or near the waterfront and provide opportunities for public access;

- provide public views to or from the water;
- link the local waterfront to the rest of the community and to the region;
- minimize consumption of waterfront land; and
- minimize adverse impacts to community character, water resources, and surrounding land.

Avoid uses that:

- could result in loss of significant waterfront resources;
- are not dependent on the waterfront setting; and
- not provide economic benefit from a waterfront location.

#### Explanation of Policy 1.3

The existing residential neighborhoods along the western waterfront are important to the overall character community and economic functioning of the community. New uses in stable residential neighborhoods should be avoided when their size or scale would significantly impact the character of the area. Public access improvements should also be emphasized to better establish the connection between residential areas and the waterfront.

#### Explanation of Policy 1.4

Natural areas, open space, and recreational area are important for the wealth and health of its residence. These lands also support fish and wildlife habitat, provide flood control benefits, and filter the runoff that recharges ground water. Special consideration should be given to protecting wetlands, isolated stands of large trees, and wildlife habitats. The expansion of infrastructure into undeveloped areas should be avoided where such expansion would promote development that is detrimental to waterfront resources.

#### Explanation of Policy 1.5

Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development. Minimize the potential for adverse impacts of types of development which individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

To enhance community character and maintain the quality of life along the waterfront in the Village of Watkins Glen, new development and redevelopment on existing land uses should be compatible with the characteristics of the site, limit disturbance of land and water, and foster visual compatibility with surrounding areas. The impact of the development and redevelopment should be properly assessed and negative impacts should be minimized. Also, cumulative negative impacts should be anticipated and minimized or eliminated. New activities proposed to take place within the waterfront area should:

- prevent deterioration of the waterfront and the surrounding area
- eliminate derelict and dilapidated conditions;
- avoid uses that detract from community character of the waterfront;
- provide public access to the waterfront; and
- protect and enhance the economic base of the community
- protect the natural resources within the waterfront and community.



- Policy 2            Preserve historic resources of the waterfront area.**
- 2.1            Maximize preservation and retention of historic resources.**
- 2.2            Protect and preserve archaeological resources.**
- 2.3            Protect and enhance resources that are significant to the waterfront culture of Seneca Lake.**

Explanation of Policy 2

Archaeological sites and historic structures are tangible links to the past development of a community - its cultural and economic life - providing a connection to past generations and events. As described in the Inventory and Analysis of this LWRP, the Village contains several unique and underutilized historic buildings that form a commercial district on the waterfront.

The intent of this policy is to reasonably preserve the historic and archaeological resources of the Watkins Glen WRA. Concern extends not only to the specific site or resource but to the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize.

Potential impacts to historic resources in the Watkins Glen WRA should be thoroughly evaluated through the environmental review process. All practical means should be utilized to preserve identified resources and mitigate or avoid potential adverse impacts.

Avoid potential adverse impacts of development and redevelopment on adjacent or nearby historic resources.

- Historic resources should be protected by ensuring that development is reasonably compatible with the historic character of the affected resource.
- Potential development should be designed to a size, scale, proportion, mass, and with a spatial relationship, compatible with the historic resource.
- Potential development should be designed using materials, features, forms, details, textures and colors compatible with similar features of the historic resource.

Explanation of Policy 2.1

Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures. Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource. Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource. Relocate historic structures only when the resource cannot be preserved in place. Allow demolition only where alternatives for retention are not feasible. Avoid potential adverse impacts of development on nearby historic resources.

The following are several historic structures that the State Historic Preservation Office considers to be eligible for inclusion in the National Register of Historic Places:

- The Richtmeyer Seed Store/Scuteri Building (circa 1850)
- The Seneca Agricultural Iron Works Building /Frost Machine Shop (circa 1873)
- The Watkins Glen Municipal Light Building (circa 1915)
- The Pennsylvania Central railroad station (circa 1876)
- The Henry Lembeck House/Fall Brook Coal Company (circa 1865-1870)
- A distinct and cohesive concentration of 19th and early 20th century commercial buildings, located immediately adjacent to the waterfront area in the commercial core of the Village.

Currently, there is interest in revitalizing these historic structures, primarily for commercial use. The Village will encourage the rehabilitation of these structures and the preservation of historic character whenever possible. Within the lakefront areas, any new construction or significant alterations should be compatible in terms of design, materials and scale of the surrounding structures to the maximum extent possible.

### Explanation of Policy 2.2

Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction, and documenting the site. Prohibit appropriation of any object of archeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, §233.

When a development action is proposed in the Watkins Glen WRA, a cultural resource investigation will be conducted.

- A site survey will be undertaken to determine the presence or absence of cultural resources in the project area.
- If cultural resources are discovered as a result of the initial survey, a detailed evaluation will be conducted to provide adequate data to allow for a determination of the significance of the archaeological resources.

When activities that involve excavation in the Village of Watkins Glen are proposed, public agencies and utilities should contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archaeological resources. As shown on the online National Register and Archeological Sensitivity Maps (<http://pwa.parks.ny.gov/nr/>), the entire village is a potentially archeological sensitive area.

### Explanation of Policy 2.3

Protect historic shipwrecks. Prevent unauthorized collection of artifacts from shipwrecks. Protect the character of historic lakeside communities.

**Policy 3            Enhance visual quality and protect scenic resources throughout the waterfront area.**

**3.1            Protect and improve visual quality throughout the waterfront area.**

Explanation of Policy 3

The views of water and visually interesting working landscapes draw people to the waterfront. The main visual asset of the Watkins Glen waterfront is the unimpeded view of Seneca Lake from several public access locations. Elements affecting these views include deteriorated structures and unkempt parcels of land. To protect the scenic quality of the waterfront and to preserve the views of Seneca Lake, the Village will require screening of industrial and commercial uses, including parking lots, and will protect the visual quality of Catharine Creek through screening of buildings and lots. Strong efforts must be made toward preserving existing open spaces in the eastern waterfront area. Within the Canal, development should be oriented with an appreciation of boaters on both sides of the waterway and include appropriate fencing, landscaping or screening from the Canal.

Explanation of Policy 3.1

The visual quality of the Watkins Glen WRA is a major contributor to the community character and the introduction of any discordant features could diminish its scenic quality. The existing vegetation of the waterfront and the location and orientation of man-made structures also play an important role in its scenic quality. Also, the existing water-dependent uses add to the visual interest of the waterfront.

The following development guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines must be applied accordingly. The guidelines are:

- Site structures and other development back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and retain views from and of the shore.
- Cluster or orient structures to retain views, save open space and provide visual organization to a development.
- Incorporate sound, existing structures (especially historic buildings) into the overall development scheme.
- Remove deteriorated and / or degrading elements.
- Maintain or restore the original landform, except when changes screen unattractive elements and / or add appropriate interest.
- Maintain or add vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of Seneca Lake or the Seneca Canal.
- Use appropriate materials, in addition to vegetation, to screen unattractive elements.
- Use appropriate scales, forma and materials to ensure buildings and other structures are compatible with and add interest to the landscape.

## Natural Waterfront Policies

- Policy 4        Minimize loss of life, structures, and natural resources from flooding and erosion.**
- 4.1        Minimize losses of human life and structures from flooding and erosion hazards.**
  - 4.2        Preserve and restore natural protective features.**
  - 4.3        Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**
  - 4.4        Manage navigation infrastructure to limit adverse impacts on waterfront processes.**
  - 4.5        Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.**
  - 4.6        Consider forecasted climate changes when siting and designing projects involving substantial public expenditures.**

### Explanation of Policy 4

This policy seeks to protect life, structures and natural resources from the hazards of flooding and erosion. The policy reflects State flooding and erosion regulations and provides measures for the reduction of hazards and protection of resources. Development other than water-dependent uses should be located as far away from flood or erosion hazards as practical and a diversity of vegetative non-structural measures should be developed for managing shoreline flooding and erosion. Any structure built in a flood hazard area must meet federal flood insurance program standards.

### Explanation of Policy 4.1

The Village of Watkins Glen has environmentally sensitive areas, such as steep slopes and flood prone areas, which require special development guidelines. Where there are slopes along the western shoreline of Seneca Lake, disturbance should be avoided because of the erosion potential. In particular, areas of exposed bedrock and shale, slopes in excess of 25% and soils identified in the Schuyler County Soil Survey as LTE (Lordstown-Arnot complex, steep) should be avoided.

Within areas of steep slopes and fragile soils, development will be undertaken in accordance with the following guidelines:

- Slopes with a grade above 15%, exposed during construction or site development, shall be landscaped or re-vegetated to mitigate adverse environmental and visual effects. Fill soil on slopes must support plant growth.
- Slopes greater than 25% grade shall not be developed except as approved by a site plan.
- Cutting, filling, benching, terracing and padding of existing slopes to create additional building area of larger building sites shall be avoided, unless it can be clearly demonstrated in a site plan that the final treatment of the site meets the design criteria listed below.
  - Landscaping of areas around a structure makes the area compatible with the natural terrain.

- Manmade structures are shaped, grouped and placed to complement the natural landscape.
- Essential grades are shaped to conform to the existing contours and do not give the appearance of successive padding, terracing or other similar form of grading for a building site in a steep slope area.
- Structures are arranged to complement one another, promoting visual interest.
- Split level sites are encouraged.

Development in the flood prone lands in the village waterfront area will be discouraged or appropriately flood-proofed. Within floodways, as identified by the Federal Emergency Management Agency (FEMA), only open space uses will be allowed. Within flood hazard areas, development will be undertaken in accordance with the following guidelines:

- All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to
- floodwater related forces.
- All construction materials and utility equipment used shall be resistant to flood damage.
- Construction practices and methods shall be employed which minimize potential flood damage.
- All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
- Adequate drainage shall be provided to reduce exposure to flood hazards.
- All water supply and sewage disposal systems shall be designed to minimize floodwater infiltration or discharges into the floodwaters.
- All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood.
- All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to at least one (1) foot above the water level of the one hundred (100) year flood, or as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.
- No use shall be permitted, including fill, dredging or excavation activity unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred (100) year flood more than one (1) foot at any point.

### Explanation of Policy 4.2

Natural processes such as movement of water and air, combined with changes in temperature, erode and change the shape and elevation of shorelines. Engineered erosion protection structures are built to slow down shoreline erosion and prevent flooding of buildings constructed near shorelines.

Studies done over the past many decades show that those engineered structures, while protecting the shoreline where they are located, change the patterns of erosion and sediment transport increasing erosion in other areas, not too far from their location. In contrast to the secondary effects of the engineered erosion protection structures, natural protective features such as wetlands, floodplains,



offshore bars, beaches, dunes, and bluffs protect the shoreline by absorbing storm energy and flood waters, without redirecting the natural hazard to a nearby location. Restoring impaired natural protective features and managing activities to minimize interference with them is the most efficient way of using the protective capacities of the natural shoreline.

Maximize the protective capabilities of natural protective features by:

- avoiding alteration or interference with shorelines in a natural condition;
- enhancing existing natural protective features;
- restoring impaired natural protective features; and
- managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.

Minimize interference with natural waterfront processes by:

- providing for natural supply and movement of unconsolidated materials;
- minimizing intrusion of structures into shoreline and interference with natural sediment transport processes; and
- mitigating any unavoidable intrusion or interference.

While shoreline erosion is not a major problem within Watkins Glen's waterfront on a general basis, the community is still in the process of repairing shoreline damage wrought by two storms in the 1990s. As a result of major storms in the springs of 1993 and 1994, the shoreline of Seneca Lake suffered major erosion. On the central lakefront, a breakwater was repaired and shoreline wall constructed to avoid further losses to the shoreline in future storms. Behind the repaired middle breakwater, significant debris accumulation occurred rendering this former marina area unusable, a condition that remains today.

In the fall of 1994, Village park officials, the County planner, Soil and Water conservation staff and Department of Environmental Conservation staff met to discuss mitigation measures for the erosion of the shoreline. With the assistance of the DEC, the plan minimizes structural measures such as groins to protect the damaged shoreline. Repairs have been completed for the eastern waterfront area; most the public access areas of the waterfront are protected against further erosion. If further erosion control measures are necessary, non-structural measures will be utilized as much as possible. A repair and protection plan is necessary to protect the Clute Park and should not result in a measurable increase in erosion or flooding at other locations.

All proposed activities and development along the Seneca Lake shoreline shall require a determination as to whether any one, or combination of, non-structural measures would afford a degree of protection against damage from flooding and erosion appropriate to the character and purpose of the activity of development. Such non-structural measures include, but are not limited to, and in order of priority:

- The use of minimum setback of buildings and structures from the flooding and erosion hazard area;
- The planting of vegetation and installation of drainage systems; and
- The reshaping of land forms.

Explanation of Policy 4.3

Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures. Mitigate unavoidable impacts on adjacent property, natural shoreline processes and natural resources, and on public trust lands and their use.

Explanation of Policy 4.4

Manage navigation channels to limit adverse impacts on shoreline processes by designing channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas; and make beneficial use of suitable dredged material.

The Canal Corporation dredges the canal south of the lake to maintain the navigability of the channel. Dredging is prioritized in accordance with commercial and recreational vessel usage. In general, dredging permits will be issued if the applicant adequately demonstrates that State dredging permit standards established in the Environmental Conservation Law (Articles 15 and 24) will be met.

Explanation of Policy 4.5

Give priority in expenditure of public funds to actions which: protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities. Expenditure of public funds is: limited to those circumstances where public benefits exceed public cost; and prohibited for the exclusive purpose of protecting private development.

- Policy 5            Protect and improve water quality and supply in the waterfront area.**
- 5.1            Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.**
  - 5.2            Manage land use activities and use best management practices to minimize nonpoint pollution of waterfront areas.**
  - 5.3            Protect and enhance the quality of waterfront area waters.**
  - 5.4            Limit the potential for adverse impacts of watershed development on water quality and quantity.**
  - 5.5            Protect and conserve the quality and quantity of potable water.**

Explanation of Policy 5

The purpose of this policy is to protect the quality and quantity of water in the Village of Watkins Glen. Quality considerations include both point source and nonpoint source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region.

The water uses proposed in the Watkins Glen WRA are consistent with the state waterbody classifications for Seneca Lake and the streams that flow through the waterfront area. As the water

classifications are reviewed every three years, the water uses proposed, and the policies and objectives for the waterfront, as expressed in the Watkins Glen LWRP, shall be considered prior to any changes to the local stream classifications.

The New York State Department of Environmental Conservation (DEC) has established a rating of “A” for all of Seneca Lake within Schuyler County. An “A” rating indicates that the lake’s best usages are: a source of water supply for drinking, culinary, or food processing purposes; primary and secondary contact recreation; and fishing. The waters shall be suitable for fish propagation and survival. The DEC has established a rating of “C(ts)” for those portions of the streams that flow through the Village’s waterfront area, including Catharine Creek and Glen Creek. A “C” rating indicates that the stream’s best usage is for fishing. These waters shall be suitable for fishing and fish propagation.

The water quality is suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes. The “(ts)” indicates that these streams are designated as trout spawning streams and are held to a higher standard of water quality and are subject to additional permit requirements.

### Explanation of Policy 5.1

Restore water quality by reducing impairments caused by major sources of pollution.

Prevent point source discharges into waterfront waters and avoid land and water uses which would: (1) exceed applicable effluent limitations, or (2) cause or contribute to contravention of water quality classification and use standards, or (3) materially adversely affect receiving water quality, or (4) violate a vessel waste no-discharge zone prohibition.

Ensure effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nitrogen removal capacity, incorporating treatment beyond secondary for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, reducing or eliminating combined sewer overflows, and managing on-site disposal systems.

Municipal, industrial, and commercial discharge of effluent and pollutants into Seneca Lake or its tributaries does not pose a significant problem at this time. Should such industrial sources be identified within, or in close proximity to, the waterfront area, the Village shall consider all practicable measures to remedy the situation, considering both the costs and benefits of such measures, and any available funding sources to assist in their design and implementation.

To protect fish and wildlife habitats and water supplies, Section P of County Law No. 3 of 1994 requires Coast Guard approved marine sanitation devices for boats launched into any lake in Schuyler County. In addition, sewage wastes from boats are required to be disposed of in a manner acceptable to the New York State Department of Environmental Conservation. Also, marinas are going to be required to provide sewage pump- out facilities to all boaters, including non-patrons of the marina. Moreover, marinas will provide restrooms to discourage the overboard discharge of sewage from boats.

### Explanation of Policy 5.2

Future development may affect water quality. As a result, storm water management practices should be an integral part of all new development and where possible, retro fitted to existing development.

Properly designed storm water management practices achieve multiple purposes and objectives such as flood control, erosion and sediment control, water quality management and ground water replenishments. Best management practices prevent or reduce the availability, release, or transport of substances that adversely affect surface and ground waters and provide effective ways of reducing or preventing the impact of non-point pollutants from different source categories.

A management practice or series of practices may be considered “best” only in the context of solving a particular non-point source problem in a specific watershed, or in response to a statewide issue. Therefore, the most appropriate practice necessary to address a specific non-point problem shall be chosen on a case-by-case basis depending on the circumstances of the watershed and the situation.

According to the New York State Department of Environmental Conservation, construction and urban/storm water runoff management practices may be categorized as operational, vegetative, or structural, depending on their purpose, function and design. Construction and urban runoff management practices include vegetative covers, grade stabilization structures, silt fences, catch basins, grassed swales, and pesticide management, among many others.

The Village will seek funding through the Clean Water Act, or other appropriate funding sources, to replace the existing sections of the combined sewage system with separate sanitary and storm water collection systems. There are some relatively minor problems associated with hazardous and toxic wastes entering the Lake’s tributaries from closed landfills and illegal dumpsites.

Illegal dumping is less of a problem than it once was, and leachate from a major, closed landfill within the county is contained and has been substantially mitigated after decades of shipping it out of the county for treatment.

### Explanation of Policy 5.3

Protect water quality based on physical factors (Ph, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

Minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.

Protect water quality of waterfront waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.

### Explanation of Policy 5.4

Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss.

Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards.

Explanation of Policy 5.5

Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers through conservation methods or restrictions on water supply use and withdrawals and allowing for recharge of potable aquifers. Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

- Policy 6          Protect and restore the quality and function of the waterfront area ecosystem.**
- 6.1          Protect and restore ecological quality.**
  - 6.2          Protect and restore freshwater wetlands**
  - 6.3          Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.**
  - 6.4          Protect natural resources and associated values in identified regionally important natural areas.**

Explanation of Policy 6

This policy recognizes and provides for enhancement of natural resources within local and regionally important natural areas. The ecosystem along the southern area of Seneca Lake consists of physical components, biological components, and their interactions. Its physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and around the area.

Certain natural resources important for their contribution to the quality and biological diversity of the area's ecosystem have been specifically identified by the state for protection. These natural resources include regulated freshwater wetlands and rare, threatened, and endangered species. In addition to specifically identified discrete natural resources, the quality of the area's ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, or benthic communities. These more common natural resources collectively affect the quality and biological diversity of the area's ecosystem.

As described in the Inventory and Analysis, Seneca Lake and the canalized portion of Catharine Creek support abundant and diverse warm and cold-water fish populations. Within Queen Catharine Marsh, seasonal birds rely on the protected habitat on a year-round basis.

Fish and wildlife habitat protection is essential for the survival of these populations. Two aspects of habitat must be maintained within the tolerance range of the organism: the ongoing availability of food and shelter, as well as continuity of environmental conditions.



Development in waterfront areas may have significant impacts on fish and wildlife populations unless certain precautionary measures are taken. Certain activities may not be implemented due to their negative effects upon fish and wildlife populations:

- The point and non-point discharge of toxic substances.
- Activities that cause sedimentation or erosion.

The disturbance of wetlands, which act as significant nursery and feeding areas for fish and wildlife.

#### Explanation of Policy 6.1

Avoid significant adverse changes to the quality of the area's ecosystem as indicated by physical loss, degradation, or functional loss of ecological components. Maintain values associated with natural ecological communities. Retain and add indigenous plants. Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

Avoid permanent adverse change to ecological processes. Reduce adverse impacts of existing development when practical. Mitigate impacts of new development; mitigation may also include reduction or elimination of adverse impacts associated with existing development.

#### Explanation of Policy 6.2

The Catharine Creek Wildlife Management Area consists of 890 acres of wetland. The area is located at the south end of Seneca Lake within and beyond the WRA boundary. Much of the wetland area is owned and managed by the New York State Department of Environmental Conservation. The wetland, known as Queen Catharine Marsh, provides numerous benefits to the area including groundwater recharge, erosion and flood control, filtering basin treatment of water, open space, surface water source, among others. The protection of the wetland is critical to the environmental health of the area and is regulated through the State's Freshwater Wetlands Act and Protection of Waters Act. This policy is applicable to the Queen Catharine Marsh, and includes locations within the WRA boundary. Therefore, any development proposed within 100 feet of the wetlands shall be reviewed to examine potential impacts and designed in a manner that avoids their degradation.

Comply with statutory and regulatory requirements of the state's wetland laws. Use the following management measures, which are presented in order of priority:

- prevent the net loss of vegetated wetlands by avoiding fill or excavation;
- minimize adverse impacts resulting from unavoidable fill, excavation, or other activities;
- provide for compensatory mitigation for unavoidable adverse impacts.

Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

Restore freshwater wetlands wherever practical to foster their continued existence as natural systems.

#### Explanation of Policy 6.3

An ecological community is a variable assemblage of interacting plant and animal populations that share a common environment. Activities undertaken around areas with imperiled species or ecosystems, or in

high-quality natural areas should be carefully managed to minimize impact that could have significant and lasting effects on the preservation of New York's biodiversity.

The NY Natural Heritage Program facilitates the conservation of New York's biodiversity by providing comprehensive information and scientific expertise on rare species and natural ecosystems to resource managers and other conservation partners. The NY Natural Heritage Program also offers conservation guides designed to help land managers, decision-makers, planners, scientists, consultants, and the interested public better understand the rare species and natural communities that characterize New York.

#### Explanation of Policy 6.4

Protect natural resources comprising a regionally important natural area. Focus state actions on protection, restoration, and management of natural resources. Protect and enhance activities associated with sustainable human use or appreciation of natural resources. Provide for achievement of wetlands restoration and preservation. Adhere to management plans prepared for regionally important natural areas.

### **Policy 7      Protect and improve air quality in the waterfront area.**

#### **7.1      Control or abate existing and prevent new air pollution.**

#### **7.2      Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

#### **7.3      Limit sources of atmospheric deposition of pollutants to the waterway, particularly from nitrogen sources.**

#### Explanation of Policy 7

This policy provides for protection of the Watkins Glen waterfront area from air pollution generated within the waterfront area or from outside the waterfront area which adversely affects waterfront air quality.

#### Explanation of Policy 7.1

Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans, and requirements. Recycle or salvage air contaminants using best available air cleaning technologies. Limit pollution resulting from vehicle or vessel movement or operation. Limit actions which directly or indirectly change transportation uses or operation resulting in increased pollution.

Restrict emissions or air contaminants to the outdoor atmosphere which are potentially injurious or unreasonably interfere with enjoyment of life or property.

Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

- Policy 8        Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.**
- 8.1        Manage solid waste to protect public health and control pollution.**
- 8.2        Manage hazardous wastes to protect public health and control pollution.**
- 8.3        Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**
- 8.4        Prevent and remediate discharge of petroleum products.**
- 8.5        Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.**
- 8.6        Site solid and hazardous waste facilities to avoid potential degradation of waterfront resources.**

#### Explanation of Policy 8

The intent of this policy is to protect people from sources of contamination and to protect Watkins Glen's waterfront resources from degradation through proper control and management of wastes and hazardous materials. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination in Watkins Glen WRA.

#### Explanation of Policy 8.1

In the Village of Watkins Glen, solid waste is collected by private haulers, and transported to various landfills outside of the Village and Schuyler County. Contract relationships with private haulers provide adequate capacity to accommodate residential and commercial development that may occur in the Village. Industrial development resulting in specialized requirements for industrial waste disposal may be difficult to accommodate because no facilities are available within the Village or County.

Guidelines for managing solid waste:

- Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.
- Manage solid waste by reducing the amount of solid waste generated, reusing or recycling material, and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.
- Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

- Operate solid waste management facilities to prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.

#### Explanation of Policy 8.2

Manage hazardous waste in accordance with the following priorities:

- Eliminate or reduce generation of hazardous wastes to the maximum extent practical;
- Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical;
- Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled; use land disposal as a last resort

#### Explanation of Policy 8.3

Prevent release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.

Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bioaccumulative substances, avoiding re-suspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bioaccumulative substances into the food chain from existing sources.

Prevent and control environmental pollution due to radioactive materials.

Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.

Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

#### Explanation of Policy 8.4

Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.

Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

### Public Waterfront Policies

- |                 |                                                                                                                                             |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Policy 9</b> | <b>Provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area.</b> |
| <b>9.1</b>      | <b>Promote appropriate and adequate physical public access and recreation throughout the waterfront area.</b>                               |
| <b>9.2</b>      | <b>Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.</b> |
| <b>9.3</b>      | <b>Preserve the public interest in and use of lands and waters held in public trust by the State, and other public entities.</b>            |
| <b>9.4</b>      | <b>Assure public access to public trust lands and navigable waters.</b>                                                                     |

#### Explanation of Policy 9

In small harbors such as Watkins Glen, the popularity of boating has led to competition for dock space, services, launch facilities and storage areas. The marinas located on the lake or along the canal currently have waiting lists for available docks each season. There is a particular shortage of facilities for transient boaters. This shortage limits the number of visitors to the harbor, and curtails some of the benefits of increased tourism traffic via water. As the waterfront develops, competition may increase between water-enhanced uses and the traditional uses associated with an active recreational harbor, such as boat launches, storage sites, pump-out facilities, and retail establishments that cater to boaters. Current local ordinances (Village Code) on harbor management and land use need to be reviewed to include recent changes in the use of the waterways including the impacts of personal watercraft in the harbor, increased demand for developable space by water-enhanced uses, and facilities for transient boaters.

In order to achieve the goals of this policy, all development activities within the waterfront area shall be reviewed against the following criteria:

- Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the shoreline.
- Existing access from public lands or facilities or to public water-related recreation resources and facilities shall not be reduced.
- The possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be eliminated, unless estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such elimination is found to be necessary or beneficial by the Village, as the result of a reasonable justification.
- Any proposed project to increase public access to public water-related recreation resources and facilities shall provide a level of access in accord with estimated public use and shall not cause a degree of use which would exceed the physical capacity of the resource or facility.
- Development, when located adjacent to the shore, will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

#### Explanation of Policy 9.1

The Village and County developed a master plan for county-owned Seneca Harbor Park that creates public access from the downtown streets, as well as, improved landscaping, open space, restroom facilities and other recreational features. The Village also developed a master plan for Clute Park improvements, which include walkways, a salt museum, parking, landscaping and sports fields. The Clute Park Plan incorporates access to the Queen Catharine Marsh from the lake through an interpretive trail that leads to a marsh overlook.

#### Explanation of Policy 9.2

Avoid loss of existing visual access, by limiting physical blockage by development or activities. Minimize adverse impact on visual access. Mitigate loss of visual access by providing for on-site visual access or



additional and comparable visual access off-site. Increase visual access wherever practical, and without impacting the ecological integrity of the waterfront.

#### Explanation of Policy 9.3

Limit grants, easements, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.

Determine ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.

Limit grants, including conversion grants, in fee of underwater lands to exceptional circumstances.

Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

Evaluate opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the public trust doctrine.

#### Explanation of Policy 9.4

Ensure that the public interest in access below mean high water and to navigable waters is maintained. Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities. Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.

Use the following factors in determining the minimum access necessary: the size and nature of the waterbody, the uses of the adjacent waters by the public, the traditional means of access used by surrounding similar uses, and whether alternative means to gain access are available.

Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

### Working Waterfront Policies

**Policy 10      Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.**

**10.1      Protect existing water-dependent uses.**

**10.2      Promote the Lakefront Area and the Chemung Canal Area within the Watkins Glen WRA as the most suitable locations for water-dependent uses.**

**10.3      Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and maritime support services.**

**10.4      Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.**

**10.5 Provide sufficient infrastructure for water-dependent uses.**

**10.6 Promote efficient harbor operation.**

Explanation of Policy 10

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote suitable use of the waterfront. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation along the waterfront.

Explanation of Policy 10.1

Avoid actions which would displace, adversely impact, or interfere with existing water-dependent uses.

Explanation of Policy 10.2

Ensure that public actions enable Lakefront Area and the Chemung Canal Area to continue to function as the center for water-dependent uses. Protect and enhance the economic, physical, cultural, and environmental attributes which support these uses.

Explanation of Policy 10.4

Site new and expand existing marinas, yacht clubs, boat yards, and other boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; suitable water quality classification; minimization of effects on wetlands, fish spawning grounds; and adequate water circulation.

Explanation of Policy 10.5

Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.

Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses. Allow placement of suitable dredged material in suitable locations.

Avoid shore and water surface uses which would impede navigation.

Give priority to existing commercial navigation in determining rights to navigable waters. Provide for services and facilities to facilitate commercial, industrial, and recreational navigation. Foster water transport for cargo and people.

Explanation of Policy 10.6

Limit congestion of harbor waters, conflict among uses, foster navigational safety, and minimize obstructions in inland waters to reduce potential hazards to navigation. Prohibit any increase or additional use of inland waters if such an increase or addition poses a public safety hazard, which cannot be mitigated. Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.

- Policy 11**      **Promote sustainable use of living lacustrine and riverine resources in the waterfront area.**
- 11.1**      **Ensure the long-term maintenance and health of living lacustrine and riverine resources.**
- 11.2**      **Provide for recreational use of lacustrine and riverine resources.**
- 11.3**      **Promote recreational use of marine resources.**

Explanation of Policy 11

The living lacustrine and riverine resources of Watkins Glen play an important role in the social and economic wellbeing of its residents. The recreational uses of the local living lacustrine and riverine resources contribute to the local and regional economies.

Continued use of those living resources depends on maintaining long-term health and abundance of lacustrine and riverine fish resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations.

Explanation of Policy 11.1

Ensure that recreational uses of lacustrine and riverine resources are managed in a manner that results in sustained abundance and diversity of the resources and does not interfere with population and habitat maintenance and restoration efforts.

Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

Foster occurrence and abundance of Watkins Glen lacustrine and riverine resources by: protecting spawning grounds, habitats, and water quality; and enhancing and restoring fish habitat.

Explanation of Policy 11.2

Maximize the benefits of lacustrine and riverine resource use so as to provide a valuable recreational resource experience. Protect the public health and the marketability of lacustrine and riverine resources by maintaining and improving water quality.

Explanation of Policy 11.3

Provide opportunities for recreational use of lacustrine and resources. Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage, parking, and livery services.

**Policy 12      Protect agricultural lands in the waterfront area.**

Explanation of Policy 12

The intent of this policy is to conserve and protect agricultural land in Watkins Glen waterfront area. Currently the waterfront does not include any agricultural lands or large gardens.

**Policy 13      Promote appropriate use and development of energy and mineral resources.**

- 13.1      Conserve energy resources.**
- 13.2      Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.**
- 13.3      Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.**
- 13.4      Minimize adverse impacts from fuel storage facilities.**
- 13.5      Minimize adverse impacts associated with mineral extraction.**

Explanation of Policy 13

In dealing with the local energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources.

For similar reasons, greater use should be made of sustainable energy resources, such as solar, wind, and hydroelectric power.

Explanation of Policy 13.1

Promote and maintain energy efficient modes of transportation. Plan and construct sites using energy efficient design. Capture heat waste from industrial processes for heating and electric generation. Improve energy generating efficiency through design upgrades of existing facilities.

Explanation of Policy 13.2

In siting such facilities, avoid interference with waterfront resources, including migratory birds, and shore processes.

Explanation of Policy 13.3

- Site major energy generating facilities in a waterfront location where a clear public benefit is established.
- Site major energy generating facilities close to load centers to achieve maximum transmission efficiency.

- Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic waterfront resources.

Explanation of Policy 13.4

- Regional petroleum reserve facilities are inappropriate in the Watkins Glen waterfront area.
- The production, storage, or retention of petroleum products in earthen reservoirs is prohibited.
- Liquified natural gas facilities must be safely sited and operated.
- Protect natural resources by preparing and complying with an approved oil spill contingency plan.

Explanation of Policy 13.5

- Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the Watkins Glen waterfront.
- Preserve topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.



## SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS

This section of the LWRP describes the proposed land and water uses within the Village of Watkins Glen Waterfront Revitalization Area (WRA). The section also includes a summary description of projects proposed to be developed within WRA. Proposed projects for the Village of Watkins Glen's waterfront area reflect the pattern of existing land uses, the natural physical limitations to development, the observed and anticipated trends in development, and the cultural and natural resources which should be protected or enhanced.

### 4.1 Proposed Land Uses

#### Central Lakefront Area of WRA

The central lakefront area includes the greatest diversity of uses within the Waterfront Revitalization Area (WRA). The northern end of Watkins Glen's main business district is located within the Central Lakefront area of WRA, as well as Seneca Harbor Park and numerous residential structures. A HUD apartment complex for the elderly, the Jefferson Village, is also located within the Central Lakefront. Proposed uses for this area could include increased retail commercial uses in the central business district, high-end housing and bed and breakfasts within the residential areas, and professional office space. Currently a small number of businesses serve recreational boaters, and demand for uses of this type may expand as the waterfront is developed.

The Central Lakefront sub-area includes the main business area of the Village. Although zoned for Lakefront Development (LD), as illustrated in Figure 8-Zoning, this portion of the Central Lakefront continues to serve as the main business district of the village. Several viable businesses are currently in operation in this section, such as restaurants, the Chamber of Commerce office, and the Village's only movie theater. However, there are empty storefronts and several underutilized parcels.

There is ample opportunity for more intensive, commercially viable uses within the district. Efforts will be made to attract new businesses into the district to increase demand for these underutilized retail spaces.

Possible uses within this area include: mixed use retail and commercial projects; hotels and other hospitality uses related to tourism and the adjacent lakefront; and cultural/entertainment uses such as a farmer's market, a museum, or an arts cooperative.

Private business development will be encouraged to capitalize on water-dependent uses. Increased services to boaters and fisherman, such as tackle shops, gas docks, and boat rentals could be located within the district. The principal water use on Seneca Lake will continue to be recreational boating. With increasing boat use, it is anticipated that marina expansion or development will occur in the future. Marina development will be encouraged along the canal to take advantage of the tourism potential of the NYS Canal Recreationway. Swimming is not encouraged as a recreational water use in this area because of conflicts with boating uses and safety concerns.

With the completion of the Clute Memorial Park improvements, there is a greater incentive for eco-tourism exploration of the Queen Catharine Marsh. The Marsh waterways could be used for canoeing and other non- motorized watercrafts. New trails and viewing platforms construction in the Marsh will be coordinated with DEC Region 8.

### Eastern Lakefront Area of WRA

The Eastern Lakefront Area is located within the LD zoning district, as illustrated in Figure 8 - Zoning. The proposed uses for this area include public recreational facilities and industrial uses.

### Western Lakefront Area of WRA

The Western Lakefront Area is included within the Lakefront Development Zoning District (LD), as illustrated in Figure 8 - Zoning. Proposed uses for this area include upgraded marina and boating facilities, and other water dependent or water enhanced uses. Water-enhanced tourist service facilities, such as restaurants and local museums, would provide for appropriate adaptive reuse of several historic industrial structures within the sub-area. Such structures include the municipal light building and the Seneca Frozen Food Locker. The existing docks and marina facilities could be upgraded and expanded to allow for a higher number of available docks, particularly for transient boaters.

Although engineering costs may be expensive, there is the potential for a small, up-scale residential development along the narrow between the lake and the rail line. Currently occupied by a scattering of small cottages, with the extension of municipal sewer the parcel could be developed for appropriate waterfront use. The principal water use of Seneca Lake is recreational boating. With increasing boat use, it is anticipated that marina expansion or development will occur in the future. Marina development shall be encouraged along the canal to take advantage of the tourism potential of the Canal Recreationway.

Private business development will be encouraged to capitalize on water uses. Increased services to boaters and fishermen, such as tackle shops, gas docks, and boat rentals could be located within the district.

### Canal Area of WRA

The Canal Area has three zoning districts: CL, CD and C-I, as illustrated in Figure 8 - Zoning. Proposed water-dependent and water enhanced uses within this area are recreational, commercial, camping, residential, marina and open space.

## 4.2 Proposed Water Uses

The principal water use of Seneca Lake in the Village will continue to be recreational boating. The Marsh waterways are limited to use of canoes and other non-motorized watercrafts. Private business development will be encouraged to capitalize on water uses, where suitable. Increased services to boaters and fishermen, such as tackle shops, gas docks, and boat rentals will be encouraged.

Discharges of sewage from boats can contain harmful levels of pathogens and chemicals such as formaldehyde, phenols, and chlorine, which have a negative impact on water quality, pose a risk to people's health, and impair marine life. The New York State Canal System became a No Discharge Zone

in 2010. Boaters are required to use appropriate pumpout facilities in any waterbody designated as a No Discharge Zone. The process of designating Lake Seneca as No Discharge Zone was initiated in 2015.

With increasing boat use, it is anticipated that marina expansion or development will occur in the future. Marina development shall be encouraged along the canal to take advantage of the tourism potential of the Canal Recreationway. The Village will work in partnership with the New York State Canal Corporation and other State agencies to improve public access and boater facilities where suitable.

Jurisdiction for use of the canal water and shoreline will remain with the New York State Canal Corporation. All waterway uses shall be in conformance with rules and regulations of the New York State Canal Corporation, included in Appendix C. The construction of docks, retaining walls or other structures in the water shall be coordinated with OGS<sup>24</sup>, DEC, Canal Corporation and the USACE Buffalo District<sup>25</sup>, and be developed conform to applicable regulations.

As described in Section II of the LWRP, the Seneca Canal is part of the State Canal System and is owned and maintained by the New York State Canal Corporation. Consistent with boating activities throughout the Canal System, long-term water uses that are appropriate for the Seneca Canal within Watkins Glen include recreational boating and marinas.

A key recommendation set forth in the statewide Canal Revitalization Program was the establishment of harbor centers and service ports at existing urban and village centers along the length of the Canal System, which will provide an array of pedestrian and boater public services, aimed at revitalizing the System as a major recreation resource. In this regard, Watkins Glen acts as an important service port for the Seneca Canal, located almost at the end of the system at the south end of Seneca Lake.

While the Village works in partnership with the NYS Canal Corporation and other state agencies to develop public access and boater enhancements, jurisdiction for use of the Canal and its shoreline rests with the Canal Corporation. The Canal Corporation maintains the navigation channel and canal infrastructure. Relevant excerpts from the rules and regulations enforced by the Canal Corporation are included in Appendix C, while the lists of authorized activities and the Army Corp of Engineers permits are included in Appendix D.

### 4.3 Proposed Projects

The following projects reflect the input and vision of members of the community and address the opportunities previously identified. The projects were established using a comprehensive planning approach that evaluates the development impact on both the land and water immediately adjacent to Watkins Glen WRA, as well as the environmental and social impacts of each proposed project. By using this approach there is a comprehensive approach each project is well positioned for SEQRA review.

Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State's interest in underwater lands and for authorization to use and occupy such lands.

---

<sup>24</sup> New York State Office of General Services - <http://ogs.ny.gov/BU/RE/LM/EGLP.asp>

<sup>25</sup> USACE Buffalo District - <http://www.lrb.usace.army.mil/Locations.aspx>

These projects seek to provide a balanced revitalization through residential and commercial development. The proposed project list will act as a guide for future development projects to manage to realization of opportunities moving forward.

### 1. Project Seneca – Implementation of the Lakefront Development Plan

Schuyler County Partnership for Economic Development (SCOPED), Three Rivers Development Corporation, Corning Enterprises, Schuyler County, the Village of Watkins Glen, and the Village of Montour Falls are collaborating to leverage ongoing investment and the associated economic benefits of Seneca Lake and regional environs to sustain a 21<sup>st</sup> century revitalization effort.

Project Seneca envisions significant development along the southern shore of Seneca Lake in the Village of Watkins Glen, taking advantage of: the Seneca Lake resource within the second largest wine producing region in United States; Watkins Glen International and its potential as a motor racing hub; the Corning Museum of Glass; a nearby regional airport; the presence of Corning Incorporated and Cornell University (both within a 25 minute drive of Watkins Glen); and other area development opportunities. The goal is to assemble a regional destination that competes in the worldwide marketplace for residents, employees, visitors, and economic investment.

To accomplish this, there will need to be a multi-year resource allocation from the public and private sectors and that this ‘game changer’ project will need to be a priority regional project with ongoing consensus and resource allocation to succeed. Many of the proposed projects below have been derived from this effort.

The update to the Strategic Economic Development Plan: 2011–2016, produced by the Southern Tier Regional Economic Development Council in 2015<sup>25</sup>, recognized the importance of this project for the revitalization of the southern area of Seneca Lake, and lists all the efforts that are being undertaken to complete this project.

### 2. Updating Local Plans

Understanding that the Seneca Lake waterfront is one of the most important natural assets in Schuyler County, the County’s official economic development agency, SCOPED, applied in 2008 to the Appalachian Regional Commission (ARC) Program for funds to complete a Lakefront Management and Development Plan. This plan, completed in 2010, implements the LWRP as it pertains to economic development activities on the Seneca Lake waterfront. The main purpose of this undertaking was to bring together key stakeholders, identify issues that could impede existing and new commercial and recreational development, and encourage sound development to maximize good stewardship of the lakefront. In 2004, was completed a Downtown Improvement Strategy for the Villages of Watkins Glen and Montour Falls.

Similar efforts will periodically be undertaken by the Village to sustain and improve the local quality of life and guide local development efforts.

---

<sup>25</sup> Strategic Economic Development Plan: 2011–2016, Plan Update And Progress Report: 2015  
<http://regionalcouncils.ny.gov/sites/default/files/regions/southerntier/STREDC-2015-Progress-Report.pdf>

### 3. Regional Wastewater Treatment Plant

**Cost Estimate:** \$25,000,000

**Proposed Timeline:** Ongoing for 15 years

The Village of Watkins Glen Wastewater Treatment Plant currently occupies an attractive piece of waterfront property. The proposed Regional Wastewater Treatment Plant will collect wastewater from several municipalities, including from Watkins Glen, and will decommission the current plant and make its site available for future mixed-use redevelopment projects along the waterfront and adjacent to a growing downtown. A preliminary engineering report for the Project Seneca Regional Wastewater Treatment Facility was prepared in 2012. The report provides a preliminary basis of design for the proposed “regional” wastewater project, inclusive of estimated capital, operation and maintenance costs, and will provide the foundation for the Village and project stakeholders to pursue project funding.<sup>34</sup>

### 4. Redevelopment of Future Former Wastewater Treatment Plant Site

**Cost Estimate:** \$200,000,000

**Proposed Timeline:** Ongoing for 15 years

The proposed Concept Plan for the redevelopment of the site of the former Wastewater Treatment Plant includes the area bounded by Seneca Lake to the north, North Franklin Street to the west, and the Cargill owned jetty to the east. The southern border of the targeted area generally follows 3<sup>rd</sup> Street from North Franklin Street to North Porter Street, and then turns north to 2<sup>nd</sup> Street and east to the railroad tracks.





The proposed development includes:

- Redevelopment of the Guthrie Medical building site as a proposed hotel and parking structure
- Expanded residential options with the addition of townhouse/condominium housing between the west side of North Decatur Street and North Porter Street be entering Seneca Harbor Park.
- Connection to the waterfront walkway via an easement alongside the eastern boundary to the Cargill property with access from Route 414.
- Development of the Cargill Peninsula as a warehouse building.
- Development of townhouses along the waterfront on the triangle shaped land on the eastern boundary of the area that is formed by the rail line and the Cargill jetty.
- Improvements to the rail crossing at North Porter Street for use as the primary access point to the relocated marina.
- Redevelopment of the middle breakwater and marina expansion.

## 5. Streetscape Improvements and Landscape Design Guidelines

**Cost Estimate:** \$200,000

**Proposed Timeline:** 5-10-year planning period, with planning initiation in 2014

Similar in purpose to the design guidelines, a landscaping plan could be used to encourage civic pride and a uniform appearance within the lakefront area. Requirements for the amount of land to be allocated to landscaping, buffers, and green space could be increased. These guidelines would be applied to new construction and extensive reconstruction projects. Suggested varieties of trees, shrubs, and groundcover could also be provided to property owners for voluntary use in landscaping.

## 6. Lighting Upgrades, Lighting Plan for Consistent Appearance

**Cost Estimate:** \$150,000

**Proposed Timeline:** 5-10-year planning period, with planning initiation in 2014

Create new guidelines for exterior lighting for both new construction of buildings and parking lots. Include items such as design and appearance of fixtures, height of fixtures, and amount of illumination. The purpose is to create appealing and consistent appearance while maintaining safety.

Study the feasibility of changes to street lighting within the district. The purpose is similar to the first element; to maintain appealing and consistent design, and increase safety. The project could replace all street light fixtures with ones similar to units used in the business district along Franklin Street. This project should coordinate with any lighting project proposed by the Village of Watkins Glen District Management Association

## 7. Sidewalk Upgrades and Repairs

**Cost Estimate:** \$30,000/ year

**Proposed Timeline:** Ongoing for 15 years

Continued monitoring and enforcement of proper sidewalk construction and maintenance is needed. Required per village code, sidewalk maintenance is important for safe pedestrian passage within the district, and to maintaining an urban and visually appealing appearance. Intersection & signaling improvements for pedestrian access Improvements to design elements at intersections and crosswalks

can improve appearances and safety at various locations within WRA. Contrasting paving material within the crosswalk areas, improved handicapped ramps, better signage and timing sequencing of lights can augment the pedestrian experience within the Village. These improvements enhance a “sense of place,” and an image that is important for a waterfront, tourist oriented location.

### 8. Information Kiosks

**Cost Estimate:** \$4,500 per kiosk

**Proposed Timeline:** Ongoing, with planning initiation in 2014

There is a recognized need for community information kiosks throughout the district. Strategic locations could be found for the placement of well-designed and visually interesting kiosks, which will provide tourist information, as well as a venue for publicizing community events. One kiosk was included in the 2006 Catharine Valley Trail enhancement project, but additional kiosks. To maintain continuity throughout the district, one continuous theme design theme should be used for all kiosks, regardless of funding source.

### 9. Public Artwork

**Cost Estimate:** \$50,000

**Proposed Timeline:** Ongoing, with planning initiation in 2014.

Although the Franklin Street area of Watkins Glen has a wall-mural commemorating the road-racing history of the village, the area covered by the LWRP does not contain any public artwork. Installation of new, commissioned works within the district could include such items as sculptures, water projects, or wall murals, which could provide new and visually interesting elements and enhancements to district.

### 10. Northern Gateway Improvements

**Cost Estimate:** \$3,500,000

**Proposed Timeline:** 15-year planning period, with planning initiation in 2014

Improving the “Northern Gateway” to the Village was suggested in an Area Transportation Study conducted by FRA for the Village of Watkins Glen in 2009 and updated as part of the 2013 the Project Seneca – Lakefront Development Plan. The image below show the existing conditions and the suggested improvements. Currently the entrance into the village does little to differentiate pedestrian and vehicle space

Furthermore, the large area of pavement, change in grade and the s-curve in the road does little to slow vehicles. With the suggested improvements, the entrance to the village will be more pedestrian friendly and welcoming, and will allow for better control of vehicles coming into the village. This project will need submit an application for the Transportation Enhancement Program (TEP) which is a federal program, administered by the New York State Department of Transportation (NYSDOT), which funds projects not generally eligible for funding through traditional transportation programs. Recognizing that transportation systems are influenced and affected by more than the condition of traditional infrastructure, this program enables funding for transportation projects of cultural, aesthetic, historic and environmental significance.



In 2012, the Village procured consultants to prepare a study to present an assessment of estimated engineering design, property acquisition, and construction costs for improvements associated with the Northern Gateway Project. The study and report was originally undertaken as an effort to identify costs in support of attempting to secure federal funding through the Transportation Enhancements Program (TEP).<sup>35</sup>

### 11. North Clute Park Improvements

The redevelopment of Clute Memorial Park was initiated in 1994 with the development of a master plan for the historic park. The plan designates the waterfront area as the location for passive recreational activities such as picnicking, with limited, water-dependent active recreational uses such as swimming and fishing. Other active recreational uses, such as tennis courts and soccer fields, were proposed for the park's south side. In September 1995, the Department of State awarded the Village a \$10,300 Environmental Protection Fund matching grant to facilitate development of design construction documents for the park. The project analyzed the historic nature of existing structures; developed detailed landscape plans and provided direction for park construction. Tennis and soccer facilities are now available, but other functional improvements to the Park have not been completed. Proposed park elements include a potential restaurant on the edge of the Canal in view of the Cargill Salt Company and the creation of housing and a landscaped boulevard along the south edge of Route 414 and traffic calming improvements. A new park office building on Route 414 has been completed.

The primary intent of the redesign is to develop a linkage between the lakefront, park office, community center and the marsh overlook through a path system.



Improvements include:

- Multi-purpose pathway from Tank Beach to the Canal
- Upgrade landscaping
- Renovation of public restroom facilities
- Additional picnic pavilions
- Benches and tables
- Development of restaurant venue and potential renovation of existing salt derrick
- Footbridge over inlet to connect the main park to Tank Beach

For additional information, please see Project Seneca – Lakefront Development Plan in Appendix E.

## 12. South Clute Park Improvements

The primary proposed improvements would be to screen the recreational vehicle camper area within South Clute Park from Route 414 via landscaping and a possible multi-family residential development within the 200' frontage area along Route 414. The campground could also be expanded by eliminating the community center. Previous upgrades were made to all campground utilities (electric, water, sewer, cable TV and phone), an open-air pavilion was built in the camp ground for camp groups/clubs to use, and dead/rotten trees were replaced with new trees.

Of prime importance is the improvement of the boat launch ramp which was previously renovated with a steeper grade for bigger boats. By providing easier and safer launching, more campground users and transient boaters may be more attracted to the Park, and will be more likely to visit the village during their stay.

As part of the Clute Park plans, the southern section of the park has a variety of assets that can be further enhanced by some augmentation and improvements. Additional information is included in Appendix E: Project Seneca – Lakefront Development Plan.



### 13. Improved Trail through the Queen Catharine Marsh

Cost Estimate: N/A

Proposed Timeline: 5-10-year planning period, with planning initiation in 2014

The Queen Catharine Marsh, located at the southern end of Seneca Lake between Watkins Glen and Montour Falls, is a tremendous, but largely overlooked, asset of the community. Encompassing 890 acres in total area, the marsh is one the largest designated wetlands in the state and one of the last remaining headwater marshes in the Finger Lakes. An interpretive path and overlook have been proposed through the Clute Park redevelopment plans, as well as through the expansion of the Watkins Glen High School. Opportunities exist for increased tourist activities associated with the area. Already, a private retailer is renting bikes and canoes for use within the area.

### 14. Improved Linkages to Long Distance Hiking Trails

Cost Estimate: \$120,000

Proposed Timeline: 5-10-year planning period, with planning initiation in 2014

The Village benefits from its location within the State of New York and the entire country. Two significant, long distance hiking trails traverse thru Watkins Glen. Both the Finger Lakes Trail and the North Country Scenic Trail enter the Village on the east side along NYS Rt. 414 at Clute Park, follow a course along village streets, and enter the Watkins Glen State Park before going off road again.

The Village can benefit from recognizing the importance of these trails by placing signage within the village noting the trail placement, as well as signage to direct thru hikers to services and amenities. Should the Catharine Valley Trail or a walkway be extended to the waterfront, the integration of these elements with the trails would provide for increased tourism use and visibility.

### 15. Lakefront Multi-Purpose Pathway

Cost Estimate: \$5,000,000

Proposed Timeline: 5-10-year planning period, with planning initiation in 2014

A continuous lakefront walkway or boardwalk that extends thru the Central Lakefront area connecting the Western area all the way to the Eastern and Canal areas.







The concept provides a safe and continuous “path” along the waterfront, for continued pedestrian and bicycle movement. This could greatly increase the public access to lake views and water related businesses and services, and relieve some traffic congestion in the Village by providing an alternate east-west connection for pedestrians. This is a longer-term project, perhaps 5 to 10 years out.

#### 16. Off-street Parking Options Study and Implementation

**Cost Estimate:** \$120,000

**Proposed Timeline:** 5-10-year planning period, with planning initiation in 2014

As new development occurs, the available space for required parking continues to become more difficult to provide. A related problem that was identified during meetings is parking for tour buses. The number of organized tour groups visiting the lakefront continues to increase. However, there is very limited long-term parking allocated to these buses, and amenities for the drivers are nonexistent.

A comprehensive study and plan may be conducted to look at viable parking alternatives within the village. Parking is perceived as a major issue for visitors to the waterfront and customers to the business district alike. By conducting the study, alternative parking areas may be identified, as well as potential changes to traffic patterns that may make movement within the village easier during peak times. Projected budget for this parking study is approximately \$30,000, with funding coming from grant-funded sources. However, securing the funds for a local match to the grant must be accomplished first.

The Comprehensive Plan, completed in 2012, recommends identifying appropriate locations for additional municipal parking, consolidating surface parking lots to promote infill development, and considering access management best practices while reviewing parking opportunities. This project will involve the Village, NYSDOT and the SCIDA. Any proposed future projects involving the use of the state highway near the waterfront, such as State Route 14 (Franklin Street), must be coordinated with Region 6 NYSDOT, and a Highway Work Permit may be required.

#### 17. Shoreline Stabilization and Repair

**Cost Estimate:** \$30,000/ year

**Proposed Timeline:** Ongoing for 15 years

A continuing priority for the Eastern Lakefront sub-area is the regular dredging of the Seneca Lake Inlet by the Canal Corporation. A regular program of dredging will allow for continued maximum use and

enjoyment of the entire waterfront by boaters. Additionally, there needs to be a periodic stabilization of the shoreline along the south end of the lake due to sediment deposit throughout the year as result of significant storms or run-off periods in the spring and summer.

## 18. Housing stock improvements & appearance

Cost Estimate: \$30,000/ year

Proposed Timeline: Ongoing for 15 years

The Central Lakefront sub-area contains most the housing stock found within WRA, and these homes are certainly some of the most visible within the community. The quality of the housing stock is mixed – ranging from excellent to marginal. There are numerous units that could benefit from extensive rehabilitation efforts, at least in improvements made to the exteriors.

While these actions certainly fall under private rehabilitation efforts, a short-term project could be for the Village or Chamber of Commerce to sponsor an annual “Waterfront Homeowners’ Award” to promote rehabilitation efforts and home maintenance.

The Village may also undertake efforts to encourage a housing rehab program within the waterfront revitalization area. Improvements would assist homeowners with upkeep of their property, and the Village would benefit from an increase in desirable housing close to the lakefront

## 19. Watkins Glen Regulations

To enhance the implementation of the LWRP policies and proposed projects, and further current revitalization efforts, the Village will analyze the need for improving the following local regulations:

Signage Guidelines – Create specific design guidelines relating to sign design styles and locations

Building Codes - More stringent enforcement of building codes

Enhanced Zoning Code Regulations for Vacant Structures and Lots – The Village will research alternative means and options for dealing with vacant and under-utilized properties. Options may include stricter code enforcement dealing with maintenance & upkeep, and possible changes in tax assessments at the Town level for vacant or underutilized facilities.

Review Uses of Villages Properties – The Village should study viable options for land & buildings currently owned by village for possible re-use by private developers.

Development Inducements – The Village should look at viable inducement alternatives to attract new businesses and development. A close working relationship should be continued with SCOPED, Inc. to achieve mutual long-term goals, including residential developments as well as retail/commercial.

## 20. Improvements to Existing Parks and Trails

The need for local trail and park improvements will periodically be assessed by the Village, and funding will be sought for improvements that will support the local economy by offering enhanced recreation opportunities to residents and tourists.

The Village will collaborate with Schuyler County to seek funding for improving the existing parks and trails within WRA. The Village will seek funding to complete a multi-purpose pathway along the entire lakefront and to connect it with the 1 Mile trail and to the Catharine Valley Trail.

Also, recent discussions are focused on the extension of the multi-purpose pathway within Seneca Harbor Park along the entire lakefront within the Village of Watkins Glen. Additional information is included in Appendix E: Project Seneca – Lakefront Development Plan.



## SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

This section sets out implementation strategies for the Village of Watkins Glen LWRP, considers existing laws and sections of Village Code and other Village action necessary to support the implementation of the LWRP policies. A management structure for the implementation of the LWRP and the process associated with the review of proposed local and State actions within WRA for consistency with the LWRP policies are presented along with an outline of the financial resources that may be necessary to implement the LWRP.

### 5.1 Local Laws Necessary to Implement the LWRP

#### Existing Zoning Law

In 1994, the Village enacted several amendments to the Village Zoning Law that will assist in the implementation of the waterfront policies set forth in the LWRP, and the 2004 zoning revision maintained these policies. The Village streamlined and simplified the site plan review process for any new land use activities to enhance development opportunities, particularly in the underutilized waterfront area. In addition, the Village adopted a Canal District to allow for more flexibility for development with appropriate environmental protection in the environmentally sensitive canal sub-area.

Significant aspects of the Zoning Law that serve to implement the policies and projects of the Local Waterfront Revitalization Program include the following:

**Lakefront Development District** - This district is located on the western and part of the southern shoreline of Seneca Lake. The intent of the district is to allow for mixed use developments to occur as an integrated and complementary whole. Permitted uses include recreation areas, parks, marinas, boat services, office space, restaurants, municipal uses, light manufacturing, residential and accessory uses such as parking lots. The district regulations provide for historic preservation guidelines for the preservation of several historic structures in the area identified by the State Historic Preservation Officer. The LD covers the Western Lakefront and Central Lakefront areas of WRA.

**Canal District** - This district, originally zoned for industry, is located on the west side of the Canal. With diminishing need for a large-scale industrial district, the Canal Development District was created to allow for more flexible uses in the canal area. Permitted uses for properties that have frontage on the Canal include marina and other boat related land use activities. Permitted uses for properties that do not have frontage on the Canal include marina and other boat related activities, as well as retail, business, offices, light industry, municipal, civic uses and agricultural operations. The CD covers the west half of the Canal Area within WRA.

**Site Plan Review** - Site plan review by the Village Planning Board is required for all development within the Lakefront and Canal Development Districts, excluding one or two family dwelling construction and ordinary accessory structures. Site plan review is conducted to enable the development of well-designed

projects with adequate attention to landscaping, traffic access, drainage, parking, as well as suitability with the surrounding neighborhood.

### Proposed LWRP Consistency Review Law

The LWRP Consistency Review Law establishes the legal framework required for the review of local direct and indirect actions proposed within the Watkins Glen WRA, and requires that actions that are directly undertaken, funded, or permitted by the Village be consistent with the LWRP policies and goals. The LWRP Consistency Review Law and its associated Waterfront Assessment Form are included in Appendix A.

## 5.2 Other Public and Private Actions Necessary to Implement the LWRP

In addition to administering the above-cited local laws, the Village and other governmental entities, as well as the private sector, will need to undertake various actions to implement the LWRP policies and goals.

### Private Actions

With economic incentives and appropriate zoning now in place, private sector involvement is necessary in the rehabilitation of abandoned or underutilized facilities on the waterfront.

#### **Water Works Condos Project**

Redevelops the Municipal Light and Water Plant which was built in 1905 by the Village of Watkins Glen. The renovations to the building include four residential units and an Art Gallery. Adjacent to the existing building 12 Townhouses are being constructed complete with Marina access.

#### **Watkins Glen Brewery Holding LLC Project**

The residential housing project included the redevelopment of the former frozen food locker building, originally built as a brewery. The site, which has access to Seneca Lake is proposed to be converted into seven separate townhouse rental units. Six of the townhouses will be constructed as 2- and 3-bedroom units, with the seventh to be subdivided into three 1-bedroom efficiency unit

#### **Finger Lakes Railway Corporation**

The assistance of FLRC is needed to provide pedestrian and vehicular access to the waterfront. FLRC proposes to make major renovations to the Watkins Glen Industrial track by upgrading the 24 miles of track to FRA Class 2 condition. The reconstruction of the track has provided an opportunity for the Village and County to negotiate a rail crossing into Seneca Harbor Park and provide increased public access to the waterfront and to the parking lot within the park.

#### **Waterfront Businesses**

The continued involvement of existing waterfront businesses in the development of boating-related facilities, such as bait shops and boating supplies is crucial.



### Village Actions

**Seneca Harbor Park Maintenance** - The Village will work with the County to maintain pedestrian access to Seneca Harbor Park.

**Neighborhood Revitalization** - The Village will seek for community development activities targeting the revitalization of underutilized areas.

**Stronger Relationships and Collaboration with Regional and National Trail Groups** – The Village should undertake pro-active stance to collaborate with trail groups in access, use, and promotion of recreational trails within the village.

**Review of Canal and Lakefront Development Zoning Criteria** - The Planning board should closely review proposed actions in the Canal and Lakefront Development districts for consistency with the LWRP policies.

### Schuyler County Actions

**Schuyler County Partnership for Economic Development (SCOPED)** will assist in the development of business and community projects that encourage development and redevelopment of the area, and will work in partnership with other local and state agencies to encourage economic development and enhancement of quality of life, to make Schuyler County a more interesting and exciting place for the people who live and work here now and in the future.

**Schuyler County Industrial Development Agency (SCIDA)** will assist in property and sales tax abatement and issue bonds for certain projects to attract projects that may otherwise not locate in or community and work closely with SCOPED to accomplish mutual goals of assisting the public and private sector.

### New York State Agencies

**Canal Corporation** - The implementation of the LWRP depends in part on the use of State-owned lands. Since the LWRP calls for adequate enhancement of water-related uses along the Seneca Canal, such as parks, trails and boating facilities, the leasing of selected waterfront parcels by the State to the Village or private-sector developers will be necessary for the construction of such facilities. Further, dredging the Canal is necessary for navigation, particularly in the area north of Route 414.

**NYS Office of General Services** – Development along the western shoreline of Seneca Lake depends on the disposition of lands formerly underwater along the lakeshore. The Village will work with the NYS Office of General Services to determine ownership of these lands, and, if adequate, will negotiate their disposition and use for private development and/or public access, as appropriate.

## 5.3 Management Structure Necessary to Implement the LWRP

Any action proposed within the waterfront revitalization area (WRA) and classified as Type I or Unlisted, as defined by the State Environmental Quality Review Act, must be consistent with each and all of the LWRP policies, pursuant to the Village's LWRP Consistency Review Law, and requires the completion of the Waterfront Assessment Form (WAF). The LWRP Consistency Law and its associated WAF are included in Appendix A.

The Village of Watkins Glen Code Enforcement Officer is responsible for enforcing the LWRP Consistency Review Law. No work or activity on a project proposed to take place within WAF could be undertaken until the Code Enforcement Officer has been presented with a written determination from a local agency that the proposed action is consistent with the Village's LWRP policy. In the event that an activity is not being performed in accordance with the LWRP Consistency Review Law, the Code Enforcement Officer will issue a stop-work order, and no further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

The Village Planning Board will conduct the consistency review of all projects proposed within WRA, and will issue written recommendations to local applicants and agencies proposing projects within WRA.

Each Village agency will implement the LWRP through its daily work and activities.

As mentioned in the Village's LWRP Consistency Review Law, to approve, fund, or undertake a Type I or Unlisted Action, as defined by the State Environmental Quality Review Act, each Village agency must make a determination that the action is consistent with the LWRP policy.

To initiate the local consistency review of a local action proposed within WRA, the applicant or the Village agency proposing the action must complete a Waterfront Assessment Form and submit it to the involved/approving Village agency and to the Planning Board. After reviewing the completed WAF, the Planning Board will provide the involved local agency with a written recommendation indicating the consistency of the proposed action with the LWRP policies.

If the involved local agency disagrees with the consistency recommendation of the Planning Board, the agency shall prepare a written finding detailing its position and transmit it to the Village Planning Board. Subsequently, the involved agency will meet with the Planning Board to resolve their differences. If an agreement cannot be reached, the matter will be referred to the Village Board of Trustees for a finding of consistency. The involved local agency shall take no action unless and until the Village Board of Trustees has made a determination and finding of consistency with the LWRP. The proposed action will be abandoned or modified if the Village Board of Trustees finds it inconsistent with the LWRP policies.

If the recommendation of the Village Planning Board is not forthcoming within a specific interval of time, the involved agency shall make its decision without the benefit of the Planning Board's recommendation. No action proposed within WRA shall be approved, funded, or undertaken by a Village agency without a determination of consistency.

The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Board in the event and at the time it decides to grant a variance, and must impose appropriate conditions on the variance to make the activity consistent with the LWRP policies. The Village Board of Trustees cannot be involved in the consistency review or the consistency determination of the Zoning Board of Appeals.

All State actions proposed within the Village of Watkins Glen WRA will be reviewed in accordance with the Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect, established by the New York State Department of State, and included in the Appendix G.

## 5.4 Financial Resources Necessary to Implement the LWRP

The implementation of the LWRP policies and proposed projects will require the combined financial resources of the following:

- Village: Funds are required for many of the improvements discussed within the LWRP. The Village will seek funding for the proposed projects described in Section IV of the LWRP, to support key development projects that have the potential to spur economic development.
- County: the Village will continue to work with Schuyler County to seek funding and develop those proposed projects that have a regional impact.
- State: Continued operation of the Canal is crucial for the development of recreational boating and tourism potential of the area. The Village will continue its cooperation with the Canal Corporation and other State agencies to improve the use of the canal waters and shoreline, and obtain funding and permits for the canal dredging, to improve navigation.

## SECTION VI: STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State actions will affect and be affected by implementation of the LWRP. Under State Law, certain State actions within or affecting Watkins Glen WRA must be consistent, or consistent to the maximum extent practicable, with the enforceable policies and purposes of the approved Village of Watkins Glen LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions, and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State agencies is also likely to be necessary to implement specific provisions of the LWRP.

### 6.1 State Actions and Programs Which Should Be Undertaken in a Manner Consistent With the LWRP

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identifies those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs; grant, loan subsidy or other funding assistance programs; facilities construction, and planning programs that may affect the achievement of the LWRP.

#### OFFICE FOR THE AGING

- 1.0 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

#### DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and approval programs:
  - 4.01 Custom Slaughters/Processor Permit
  - 4.02 Processing Plant License
  - 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Implementation Grant

6.00 Agricultural Nonpoint Source Abatement and Control Program

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

1.00 Permit and Approval Programs:

- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

**OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:



- 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

#### **COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

#### **OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

#### **DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

#### **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

#### **EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.

- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

#### **OFFICE OF EMERGENCY MANAGEMENT**

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

#### **EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.
- 2.00 Funding for

#### **ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.
- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives for a variety of energy projects

#### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

4.00 Financial assistance/grant programs:

4.01 Capital projects for limiting air pollution

4.02 Cleanup of toxic waste dumps

4.03 Flood control, beach erosion, and other water resource projects

4.04 Operating aid to municipal wastewater treatment facilities

4.05 Resource recovery and solid waste management capital projects

4.06 Wastewater treatment facilities

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

(a) Water Quality Improvement Projects

(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs

9.00 Permit and approval programs

Air Resources

9.01 Certificate of Approval for Air Pollution Episode Action Plan

9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility

9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System

9.04 Permit for Burial of Radioactive Material

9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

9.06 Permit for Restricted Burning

9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

9.09 Certificate to Possess and Sell Hatchery Trout in New York State

9.10 Commercial Inland Fisheries Licenses

- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non Resident Food Fishing Vessel
- 9.34 Non Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs

- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversion for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)



- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

**ENVIRONMENTAL FACILITIES CORPORATION**

- 1.0 Financing program for pollution control facilities for industrial firms and small businesses.

**DEPARTMENT OF FINANCIAL SERVICES / DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)

- 1.15 Authorization Certificate (Public Accommodation Office – Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

#### **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.

- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Shared Health Facility Registration Certificate

**DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs
  - 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.0 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**

- 1.0 Funding program for natural heritage institutions.

**OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION (including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety, and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

**OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

**POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
  - 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.



**STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**THRUWAY AUTHORITY /CANAL CORPORATION (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority and the Canal Corporation.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
  - 3.01 Advertising Device Permit
  - 3.02 Approval to Transport Radioactive Waste
  - 3.03 Occupancy Permit
  - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan
- 5.00 Direct and financial assistance related to improvements and enhancements to the State Canal System.

**DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges

- 3.04 Subsidies program for marginal branch lines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
  - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
  - 4.06 Highway Work Permits
  - 4.07 License to Operate Major Petroleum Facilities
  - 4.08 Outdoor Advertising Permit (for off premises advertising signs adjacent to interstate and primary highway)
  - 4.09 Real Property Division Permit for Use of State Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

#### **DIVISION OF YOUTH**

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

## 6.2 State and Federal Actions and Programs Necessary to further the LWRP

This part is a more descriptive list of State and federal agency actions that are necessary for further implementation of this LWRP. It is recognized that a State agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State agency to undertake an action it could not undertake pursuant to other provisions of law. The consistency review does not apply to the federal agency actions listed below.

### State Agencies

#### **OFFICE OF GENERAL SERVICES:**

Prior to any development occurring in the water or on the immediate waterfront, the Office of General Services should be contacted for a determination of the State's interest in underwater, or formally underwater, lands and for authorization to use and occupy these lands.

In accordance with Section 334 of the New York State Real Property Law, any subdivision of waterfront properties on navigable waters must depict the location of riparian (including littoral) lines out into the navigable waters on the property survey that must be filed with the respective county clerk.

#### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- Planning, development, construction, major renovation or expansion of facilities.
- Administration of permits and approvals.
- Implementation of the Environmental Quality Review Act of 1972.
- Provision of operating aid to municipal wastewater treatment facilities.
- Administration of funding for resource recovery and management capital projects.
- Execution of cooperative agreement for expansion and maintenance of the State Boat Launch.

#### **DIVISION OF HOMES AND COMMUNITY RENEWAL**

- Continued funding under the Rural Area Preservation Program.

#### **DEPARTMENT OF STATE**

- Funding and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of the LWRP.

#### **DEPARTMENT OF TRANSPORTATION**

- Continued funding and assistance for Town programs and projects through enhancements.
- Coordination of planned road improvements.

#### **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

- Provision of funds from the Land and Water Conservation Fund.

- Provision of planning and funding, and development of recreation services programs.
- Nomination of properties to the State and National Register of Historic Places.
- Provision of funding for State and local historic preservation activities.
- Project review of State and Federal agency projects affecting National Register properties.

#### **ENVIRONMENTAL FACILITIES CORPORATION**

- Financial and technical assistance for water and sewer infrastructure and other improvement projects.

#### **EMPIRE STATE DEVELOPMENT CORPORATION**

- Financial and technical assistance with revitalization efforts in the village core aimed at rehabilitation of vacant and underused properties and preparation of studies which promote business investment and growth.

#### **Federal Agencies**

##### **DEPARTMENT OF COMMERCE**

- Provision of funding and assistance for development and promotion of local tourism, including programs and activities in the Town area.

##### **DEPARTMENT OF DEFENSE, US ARMY CORPS OF ENGINEERS**

- Permit decisions and assistance with funding regarding dredging or development along shoreline.

##### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- Continued funding and assistance as requested through the Community Development Block Grant/ Small Cities program and the Urban Development Action Grant program.

##### **DEPARTMENT OF THE INTERIOR**

- Provision for funding under the Historic Preservation Grants-in-Aid program, when available.

##### **DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE**

- Provision of investment tax credits for qualified building rehabilitation.

## SECTION VII: LOCAL COMMITMENT AND CONSULTATION

### 7.1 Local Commitment

The Village initiated the planning for the Local Waterfront Revitalization Program in 1991, with the assistance of the Village Planning Board and consultants. To develop the groundwork for the LWRP, the Village enacted two amendments to the zoning ordinance that ensured that the Lakefront Development District and the Canal District would provide appropriate development of the waterfront area. Since 1991 the Village Planning Board and the County Legislature have fostered the design and development of two waterfront parks, and have begun implementation of some park elements. Public participation was solicited for the zoning amendments as well as the park design development. A generic Environmental Impact Statement was prepared for the rezoning and park development, which involved additional public input.

Beginning in late 1999 and continuing into 2001, a LWRP steering committee comprised of village and county representatives, including private citizens and business owners, met to re-energize and complete the plan. Numerous committee meetings were held to solicit input on concerns, ideas, and projects.

Local non-profit organizations, such as Friends of the Queen Catharine Marsh, Seneca Lake Pure Waters Association and others, were invited to participate in the development of the LWRP.

To strengthen local commitment for the Village's planning efforts, two public meetings were held to provide local citizens an opportunity to comment on significant issues and opportunities in the waterfront areas.

### 7.2 Consultation

After the Village submitted the completed draft LWRP to the Department of State for review and comments. After finding the draft LWRP complete and ready for the next phase of review, the Department of State will initiate the 60-day public review of the draft LWRP. During this review period, the document will be posted online and available to the public for review and comments. Local, regional, and State agencies will be notified about the initiation of the 60-day review period of the draft LWRP and its availability online. The comments that will be received on the draft LWRP, during the 60-day review, will be considered and addressed by the Department of State and the Village, and necessary changes will be made to the document.

## APPENDIX A: WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW LAW

Village of Watkins Glen, New York

LOCAL LAW NO. 3 OF YEAR 2017

FILED  
STATE RECORDS

AUG 03 2017

DEPARTMENT OF STATE

A Local Law Repealing and Replacing Local Law No. 1 of 2009 and Local Law No. 3 of 2016 known as the Local Waterfront Revitalization Program Consistency Review Law

Be it enacted by the BOARD OF TRUSTEES of the

Village of WATKINS GLEN as follows:

This Local Law is adopted pursuant to Municipal Home Rule Law Section 10.

Local Law No. 1 of 2009 and Local Law No. 3 of 2016 known as the Local Waterfront Revitalization Program Consistency Review Laws are hereby repealed.

**§ 1. Title.** This Local Law is to be known as the Local Waterfront Revitalization Program (LWRP) Consistency Review Law of the Village of Watkins Glen.

**§ 2. Legislative authority and purpose.**

- A. This Local Law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this Local Law is to provide a framework for agencies of the Village of Watkins Glen to incorporate the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the waterfront area; and to assure that such actions and direct actions are consistent with said policies and purposes.

**§ 3. Legislative intent.**

- A. It is the intention of the Village of Watkins Glen that the preservation, enhancement and utilization of the natural and man-made resources of the unique waterfront area of the Village take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development.

Accordingly, this Local Law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural processes; impairment of scenic, cultural, or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.



- B. The substantive provisions of this Local Law shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

#### **§ 4. Definitions.**

As used in this Local Law, the following terms shall have the meanings indicated:

**ACTIONS** - Either Type I or unlisted actions as defined in SEQRA regulations (6 N.Y.C.R.R. 617.2) which are undertaken by an agency and which include:

- A. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
- (1) Are directly undertaken by an agency; or
  - (2) Involve funding by an agency; or
  - (3) Require one or more new or modified approvals from an agency or agencies.
- B. Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
- C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
- D. Any combinations of the above.

**AGENCY** - Any board, agency, department, office, other body, or officer of the Village of Watkins Glen.

**CONSISTENT** - That the action will fully comply with the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

**DIRECT ACTIONS** - Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule making, procedure making and policy making.

**LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)** - The Local Waterfront Revitalization Program of the Village of Watkins Glen, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Village of Watkins Glen.

**WATERFRONT AREA** - The Waterfront Revitalization Area delineated in the Village's Local Waterfront Revitalization Program.

**WATERFRONT ASSESSMENT FORM (WAF)** - The form available from the Village Code Enforcement Officer at Village Hall (to be completed by the project applicant, or in the case of direct actions by the agency planning or proposing the action) that supplements other information used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

#### **§ 226-5. Review of actions.**

- A. Whenever a proposed action is located in the Village's waterfront area, each Village agency shall, prior to approving, funding or undertaking the action, make a determination that the action is consistent with the LWRP policy standards and conditions set forth in Subsection J herein. No action in the waterfront area shall be approved, funded or undertaken by an agency without such a determination.
- B. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or, in the case of a direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.
- C. The agency shall refer a copy of the completed WAF to the Planning Board within 10 days of its submission and, prior to making its determination, shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action.
- D. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection J herein. The Planning Board shall require the applicant to submit all completed applications, WAFs and any other information deemed to be necessary to its consistency recommendation.
- E. The Planning Board shall render a written recommendation to the agency within 30 days following referral of the WAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant, or in the case of a direct action, the agency planning or proposing the action.
  - (1) The recommendation shall indicate whether, in the opinion of the Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and shall elaborate in writing the basis for the opinion. The Planning Board shall, along with the consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with the LWRP policy standards and conditions or to greater advance them.
  - (2) In the event that the Planning Board's recommendation is not forthcoming within the specified time, the referring agency shall make its decision without the benefit of the Planning Board's recommendation.
- F. If the agency and the Planning Board concur in the consistency of the proposed action, the agency may proceed with the action. In the event that the agency, after reviewing the written recommendation of the Planning Board, finds that it disagrees with the consistency recommendation of the Planning Board, the agency shall within 15 days prepare a written finding detailing its position and transmit it to the Planning Board. The Planning Board and the agency shall meet to resolve their differences within 15 days of the Planning Board's receipt of the agency's finding.

- G. If the Planning Board and the agency cannot reach a mutually agreeable determination of consistency, the matter will be referred to the Village Board of Trustees of the Village of Watkins Glen for a finding of consistency. The agency shall take no action until the Village Board of Trustees has made a written determination and finding of consistency with the LWRP, within 30 days of receipt of the referral.
- H. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Board in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- I. If the final determining agency determines that an action will be inconsistent with one or more LWRP policies, standards, or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- J. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following LWRP policies, standards and conditions, which are derived from and further explained and described in the Village of Watkins Glen LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with the LWRP in making its consistency determination. The action shall be consistent with the policy to:
- (1) Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development. (LWRP policies 1, 1.1, 1.2, 1.3, 1.4, 1.5)
  - (2) Preserve historic resources of the waterfront area. (LWRP policies 2, 2.1, 2.2, 2.3)
  - (3) Enhance visual quality and protect scenic resources throughout the waterfront area. (LWRP policies 3, 3.1)
  - (4) Minimize loss of life, structures, and natural resources from flooding and erosion. (LWRP policies 4, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6)
  - (5) Protect and improve water quality and supply in the waterfront area. (LWRP policies 5, 5.1, 5.2, 5.3, 5.4, 5.5)
  - (6) Protect and restore the quality and function of the waterfront area ecosystem. (LWRP policies 6, 6.1, 6.2, 6.3, 6.4)
  - (7) Protect and improve air quality in the waterfront area. (LWRP policies 7, 7.1, 7.2, 7.3)

- (8) Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes. (LWRP policies 8, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6)
  - (9) Provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area. (LWRP policies 9, 9.1, 9.2, 9.3, 9.4)
  - (10) Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations. (LWRP policies 10, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6)
  - (11) Promote sustainable use of living lacustrine and riverine resources in the waterfront area. (LWRP policies 11, 11.1, 11.2, 11.3)
  - (12) Protect agricultural lands in the waterfront area. (LWRP policy 12)
  - (13) Promote appropriate use and development of energy and mineral resources. (LWRP policies 13, 13.1, 13.2, 13.3, 13.4, 13.5)
- K. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Waterfront Development Committee. Such files shall be made available for public inspection upon request.

#### **§ 6. Enforcement.**

- A. A Village Code Enforcement Officer shall be responsible for enforcing this chapter. No work or activity on a project in the waterfront area which is subject to review under this chapter shall be commenced or undertaken until the Code Enforcement Officer has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions.
- B. In the event that an activity is not being performed in accordance with this chapter or any conditions imposed thereunder, the Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect.

#### **§ 7. Penalties for offenses.**

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense.

For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.**

**§ 8. Severability.**

The provisions of this Local Law are severable. If any provision of this Local Law is found invalid, such finding shall not affect the validity of this Local Law as a whole or any part or provision hereof other than the provision so found to be invalid.

**§ 9. Effective Date.**

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

# Village of Watkins Glen

## Waterfront Assessment Form

### A. INSTRUCTIONS

1. Applicants, or, in the case of direct actions, Village agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the approved Village of Watkins Glen Local Waterfront Revitalization Program (LWRP) Consistency Review Law. This assessment is intended to supplement other information used by a Village agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies and policy explanations contained in the Village of Watkins Glen Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the office of the Village Clerk. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront revitalization area (WRA) and its consistency with the policy standards.
3. If any question in Section C on this form is answered "yes", the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP Consistency Review Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

### B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Describe nature and extent of action:

---

---

---

---

2. Type of Village agency action (check appropriate response):

- a. Directly undertaken (e.g. construction, planning activity, agency regulation, land transaction)

---

- b. Financial assistance (e.g. grant, loan, subsidy)

---

- c. Permit, approval, license, certification

---



d. Agency undertaking action:

\_\_\_\_\_

3. If an application for the proposed action has been filed with a Village, the following information shall be provided:

a. Name of applicant

\_\_\_\_\_

b. Mailing address:

\_\_\_\_\_

\_\_\_\_\_

c. Telephone number:

(\_\_\_\_) \_\_\_\_\_

d. Property tax number:

\_\_\_\_\_

e. Application number, if any:

\_\_\_\_\_

4. Will the action be directly undertaken, require funding, or approval by a State or federal agency? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, which State or federal agency? \_\_\_\_\_

\_\_\_\_\_

5. Location of action (Street or Site Description and nearest intersection):

\_\_\_\_\_

\_\_\_\_\_

6. Size of site (acres): \_\_\_\_\_

7. Amount (acres) of site to be disturbed: \_\_\_\_\_

8. Present land use: \_\_\_\_\_

9. Present zoning classification: \_\_\_\_\_

10. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, other geological formations): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Percentage of site that contains slopes of 15% or greater: \_\_\_\_\_

12. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
- (a) Name \_\_\_\_\_
- (b) Size (in acres) \_\_\_\_\_
13. Is the property serviced by public water? Yes \_\_\_\_\_ No \_\_\_\_\_
14. Is the property serviced by public sewer? Yes \_\_\_\_\_ No \_\_\_\_\_

**C. WATERFRONT ASSESSMENT** (Check either "Yes" or "No" for each of the following questions). If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

	<u>YES</u>	<u>NO</u>
1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas found within the WRA (as identified in the LWRP)?	_____	_____
(a) Significant fish or wildlife habitats?	_____	_____
(b) Scenic resources of local or State-wide significance?	_____	_____
(c) Important agricultural lands?	_____	_____
(d) Natural protective features in a waterfront erosion hazard area	_____	_____
(e) Designated State or federal freshwater wetlands?	_____	_____
(f) Commercial or recreational use of fish and wildlife resources?	_____	_____
(g) Existing or potential public recreation opportunities?	_____	_____
(h) Structures, sites or districts of historic, archaeological or cultural significance to the Village State or nation?	_____	_____
(i) Land or water uses within a small harbor area?	_____	_____
(j) Stability of the shoreline?	_____	_____
(k) Surface or groundwater quality?	_____	_____
2. Will the proposed action involve or result in any of the following:	<u>YES</u>	<u>NO</u>
(a) Physical alteration of land along the shoreline, underwater land or surface waters?	_____	_____
(b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	_____	_____
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront area?	_____	_____
(d) Siting or construction of an energy generation facility		

	not subject to Article VII or VIII of the Public Service Law?	___	___
(e)	Mining, excavation, filling or dredging in surface waters?	___	___
(f)	Reduction of existing or potential public access to, or along, the shoreline?	___	___
(g)	Sale or change in use of publicly-owned lands located on the shoreline or underwater?	___	___
(h)	Development within a designated flood or erosion hazard area?	___	___
(i)	Development on a beach, dune, bluff or other natural feature that provides protection against flooding or erosion?	___	___
(j)	Construction or reconstruction of erosion protective structures?	___	___
(k)	Diminished or degraded surface or groundwater quantity and/or quality?	___	___
(l)	Removal of ground cover from the site?	___	___
3.	PROJECT	<u>YES</u>	<u>NO</u>
(a)	If the project is to be located adjacent to shore:		
(1)	Does the project require a waterfront location?	___	___
(2)	Will water-related recreation be provided?	___	___
(3)	Will public access to the foreshore be provided?	___	___
(4)	Will it eliminate or replace a water-dependent use?	___	___
(5)	Will it eliminate or replace a recreational or maritime use or resource?	___	___
(b)	Is the project site presently used by the community or neighborhood as an open space or recreation area?	___	___
(c)	Will the project protect, maintain and/or increase the level and types or public access to water-related recreation resources or facilities?	___	___
(d)	Does the project presently offer or include scenic views or vistas that are known to be important to the community?	___	___
(e)	Is the project site presently used for commercial or recreational fishing or fish processing?	___	___
(f)	Will the surface area of any local creek corridors or wetland areas be increased or decreased by the proposal?	___	___
(g)	Is the project located in a flood prone area?	___	___
(h)	Is the project located in an area of high erosion?	___	___

- |     |                                                                                                                                                    |     |     |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| (i) | Will any mature forest (over 100 years old) or other locally important vegetation be removed by the project?                                       | ___ | ___ |
| (j) | Do essential public services or facilities presently exist at or near the site?                                                                    | ___ | ___ |
| (k) | Will the project involve surface or subsurface liquid waste disposal?                                                                              | ___ | ___ |
| (l) | Will the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?                                          | ___ | ___ |
| (m) | Will the project involve shipment or storage of petroleum products?                                                                                | ___ | ___ |
| (n) | Will the project involve the discharge of toxics, hazardous substances or other wastes or pollutants into WRA waters?                              | ___ | ___ |
| (o) | Will the project involve or change existing ice management practices?                                                                              | ___ | ___ |
| (p) | Will the project alter drainage flow, patterns or surface water runoff on or from the site?                                                        | ___ | ___ |
| (q) | Will best management practices be utilized to control storm water runoff into WRA waters?                                                          | ___ | ___ |
| (r) | Will the project cause emissions that would exceed federal or State air quality standards or generate significant amounts of nitrates or sulfates? | ___ | ___ |
| (s) | Will the project involve any waste discharges into WRA waters?                                                                                     | ___ | ___ |

**D. REMARKS OR ADDITIONAL INFORMATION TO SUPPORT OR DESCRIBE ANY ITEM(S) CHECKED  
"YES" (Add any additional sheets necessary)**

---



---

If you require assistance or further information in order to complete this form, please contact the Village Code Enforcement Office.

**Please submit completed form, along with one copy of a site/sketch plan to:**

303 North Franklin Street  
Watkins Glen, NY 14891

Preparer's Name (Please print): \_\_\_\_\_

Affiliation: \_\_\_\_\_

Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Date: \_\_\_\_\_

## **APPENDIX B: VILLAGE OF WATKINS GLEN ZONING DISTRICTS AND ALLOWED USES WITHIN WRA**

### **3.2 Zoning DISTRICTS**

In order to fulfill the purpose of this Zoning Law, the following DISTRICTS are hereby established:

R1	- Residential - Low Density
R2	- Residential - Moderate Density
R3	- Residential - High Density
MR	- Multiple Residence
RT	- Residential Transition
BT - I	- Business Transition I
BT - II	- Business Transition - II
CB	- Central Business
LD	- Lakefront Development
CD	- Canal District
CL	- Commercial/Light Industrial
C - I	- Conservation - I
C - II	- Conservation - II

### **3.3 Zoning Map**

The location and boundaries of said zoning DISTRICTS are hereby established on a map designated "Zoning Map of the Village of Watkins Glen" which map shall be kept on file and will be available for public viewing in the Office of the Village Clerk, and such map is hereby declared to be part of this Zoning Law.

### **3.4 Interpretation of DISTRICT Boundaries**

Where uncertainty exists with respect to the boundary of any of the aforesaid DISTRICTS as shown on the Zoning Map, the following rules shall apply:

- A. Centerline and RIGHT-OF-WAY Lines: Where DISTRICT boundaries are indicated as approximately following the centerline or RIGHT-OF-WAY lines of a ROAD, public utility EASEMENT, or WATERCOURSE, said boundaries shall be construed to be coincident with such lines. Such boundaries shall be deemed to be automatically moved if a centerline or RIGHT-OF-WAY of such ROAD, public utility EASEMENT or WATERCOURSE is moved not more than twenty (20) feet.
- B. LOT or Boundary Lines: Where DISTRICT boundaries are indicated as approximately following the Village boundary line, property lines, LOT LINES, or

projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.

- C. Where DISTRICT boundaries are so indicated that they are approximately parallel to the Village boundary line, property lines, LOT LINES, RIGHT-OF-WAY lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the Zoning Map or as shall be determined by use of the scale shown on the Zoning Map.
- D. In the event of a questionable DISTRICT boundary, the questionable boundary shall be referred to the Zoning Board of Appeals, and they shall, to the best of their ability, establish the exact boundary.
- E. Precise DISTRICT boundary determinations made by the Zoning Board of Appeals in accordance with the above rules shall be considered final and conclusive, and may only be altered by amendment of the Zoning Map by the Village Board.
- F. LOTS divided by Zoning DISTRICT Lines:

Where a LOT is divided by a DISTRICT boundary line, the requirement for each respective district shall apply except:

- 1. In all cases where a LOT in one ownership, other than a THROUGH LOT, is divided by a DISTRICT boundary so that 50 percent or more of such LOT lies in the less restricted DISTRICT, the requirement prescribed for such less restricted DISTRICT shall apply to the more restricted portion of said LOT for a distance of 30 feet from the zoning DISTRICT boundary. For purposes of this Law, the more restricted DISTRICT shall be deemed that DISTRICT that prohibits a particular intended USE of a LOT or that sets a higher standard with respect to SETBACK, COVERAGE, YARDS, screening, landscaping and/or similar requirements.
  - 2. In all cases where a DISTRICT boundary line is located not farther than 15 feet away from a LOT LINE of record, the requirement applicable to the greater part of the LOT shall apply to the entire LOT.
- G. Buildings Divided by Zoning DISTRICT Lines: Where a DISTRICT boundary line divides a BUILDING existing on the effective date of this Law, so that 50 percent or more of such BUILDING lies within the less restricted DISTRICT, the requirements prescribed by this Law for such less restricted DISTRICT (as defined in F above) shall apply to the entire BUILDING. Such provisions shall apply only if, and as long as, the BUILDING is in single ownership and its structural characteristics prevent its USE in conformity with the requirements of each DISTRICT.



## **ARTICLE 4 USE DISTRICTS**

### **4.0 Residential Low Density (R1) Intent**

This DISTRICT delineates those areas where predominantly SINGLE-UNIT DWELLING, low density RESIDENTIAL DEVELOPMENT has occurred, or is likely to occur, and those areas that exhibit serious limitations to DEVELOPMENT such as, steep slopes, poor soils, and other natural features, and to conserve these areas for less intensive, low DENSITY RESIDENTIAL USES in conformance with the natural and man-made limitations.

### **4.1 Residential Moderate Density (R2) Intent**

This DISTRICT delineates those areas where predominantly SINGLE-UNIT DWELLING, moderate DENSITY RESIDENTIAL DEVELOPMENT has occurred, or is likely to occur, and to protect the integrity of these RESIDENTIAL areas by prohibiting the intrusion of any USE that is not compatible with this predominant type and intensity of USE.

### **4.2 Residential High Density (R3) Intent**

This DISTRICT delineates those developed residential areas where SINGLE- UNIT DWELLING, moderate to high DENSITY residential DEVELOPMENT has occurred with a mixture of TWO-UNIT and MULTI-UNIT residential DEVELOPMENT and other non-residential USES, and to allow similar additional in-fill DEVELOPMENT to occur at the same DENSITY and type of USES, while protecting the integrity of the existing residential USES by prohibiting the intrusion of any USE that is not compatible with this predominant type and intensity of USE.

### **4.3 Multiple Residence (MR) Intent**

This DISTRICT delineates an area of the Village that is substantially undeveloped and that by its location, immediately adjacent to the R1 DISTRICT and in an area of substantially residential DEVELOPMENT, requires USES that are compatible with residential USES. It is the Village's intent in creating this District to provide an area where a higher degree of flexibility in types of USES and variety of DWELLING UNIT types and combinations of densities can co-exist. This area is intended to support both residential and certain non-residential USES that are considered to be compatible with the residential character of the surrounding area. The DISTRICT delineation accepts that the uniqueness of the site, in its size and single ownership, will allow the various USES to be developed in a manner that is sensitive to the natural and man-made limitations, while providing for DEVELOPMENT that is compatible with the surrounding existing development.

### **4.4 Residential Transition (RT) Intent**

This DISTRICT delineates two (2) areas in the VILLAGE. Both of these areas are older, developed areas, that are immediately adjacent to the CENTRAL BUSINESS DISTRICT, and act as buffers between this DISTRICT and RESIDENTIAL DISTRICTS. The first area has serious site development constraints related to steep slopes and

narrow, one-way roadways and is established to promote and preserve this area as a small community center. The second area is sandwiched between the CENTRAL BUSINESS DISTRICT and an R-3 DISTRICT and is intended to act as a buffer between to the more intensive USES allowed in the CB DISTRICT. It is the VILLAGE'S intent that residential and other permitted USES co-exist in this DISTRICT through the use of development guidelines and requirements to ensure their compatibility. This DISTRICT also seeks to preserve the unique character of these areas, while accommodating a greater degree of flexibility in the types of USES to be permitted within the Zoning District and protecting and enhancing property values. This DISTRICT is also established to ensure that all development is sensitive to, and takes into consideration, the overriding residential character and site constraints while also ensuring that adequate off-street parking and traffic circulation are accommodated in a safe and efficient manner.

#### **4.5 Business Transition I (BT-1) Intent**

This DISTRICT delineates those areas situated along PRIMARY STREETS in the Village that currently contain a mixture of residential and business USES. This District is established to protect and preserve the residential character of this area while recognizing the existence of business USES and the interest of these business USES to locate along this PRIMARY STREET. To this end the Village establishes that all new permitted business development will be designed, developed and operated in a manner that is compatible, with and protective of, the residential USES. All new non-residential DEVELOPMENT shall be of a scale and bulk that is consistent with that of the residential USES. Appurtenances to the non-residential DEVELOPMENT, such as off-street parking and signs, shall not adversely impact adjoining, existing residential USES. By application of the following guidelines:

- A. With the exception of regulated SIGNS and PARKING AREAS, there shall be no major exterior ACCESSORY USE or appurtenance.
- B. A BUILDING shall be designed to be at a scale consistent with the adjacent residential USE; no more than two (2) STORIES and of an individual size and mass that is consistent with the adjacent residential areas.
- C. The DEVELOPMENT shall not create noise, dust, or other such conditions that would adversely impact on the adjacent residential USE.
- D. The DEVELOPMENT shall be designed to serve the needs of the community.
- E. The introduction of numerous DRIVE access points on the PRIMARY STREET will be limited to ensure that there are no conflicts with the safe and efficient movement of traffic.

#### **4.6 Business Transition -II (BT-II) Intent**

This DISTRICT delineates an underdeveloped area in the Village that is situated along a PRIMARY STREET, is visually connected to the Lakefront, and is adjacent

to existing residential DEVELOPMENT, but does not substantially contain existing residential DEVELOPMENT. Due to its location, this area is not well suited to low DENSITY, SINGLE-UNIT DWELLING residential DEVELOPMENT. The Village's intent in establishing this DISTRICT is to provide for and accommodate certain low intensity, non-RETAIL business USES that by their nature will be compatible with the adjoining residential USES. The DISTRICT may also support certain higher DENSITY residential USE where public water and sewer service can be provided.

#### **4.7 Central Business (CB) Intent**

This District delineates that area in the Village that comprises the older, central business district. The area has several features that are unique to business DEVELOPMENT in the Village, including an older urban style of DEVELOPMENT that is characterized by buildings extending to the streetline, with parking and/or services being provided in and along alleys to the rear of the structures. Given the type of development, off-street parking typically cannot be accommodated on individual lots and has been addressed by the development of public parking facilities on side streets as well as on-street parking. In establishing this District, it is the Village's intent to protect and preserve the unique business and architectural character of this area of the Village; to ensure that all new DEVELOPMENT is consistent with and enhances this important existing character, in part by requiring new DEVELOPMENT to provide an urban edge similar to that presently existing and to prohibit, to the greatest extent possible, the demolition of existing structures that would create a "gap" in the existing urban edge.

#### **4.8 Lakefront Development (LD) Intent**

The Village of Watkins Glen recognizes the importance of the Seneca Lake waterfront to its past and future development and character. The Village therefore establishes this District, which encompasses all of those lands that immediately adjoin Seneca Lake and/or are visually connected to the lake to promote USES that are water-dependent and/or enhanced by their location along the waterfront. The Village also recognizes the importance of the lands in this District to provide employment opportunities and enhance the tax base, therefore, a mix of certain business, commercial, service sector and residential development may be permitted. All USES and development shall be sensitive to the natural environment of the lakefront and the value that the lakefront provides to the Village as a whole. No new USES shall unduly restrict visual and/or direct access to the waterfront, or diminish the enjoyment of the waterfront by residents, employees, and/or visitors.

#### **4.9 Canal District (CD) Intent**

This DISTRICT delineates that area in the Village which adjoins the canal to Seneca Lake. Given the District boundaries and delineation of areas located along a waterway, the Village intends to permit a variety of USES many of which are enhanced by, or dependent on, a waterfront location. The intent is also to promote and encourage greater flexibility in development to accommodate a variety of USES in a planned, controlled environment that blends functionally with the natural environment. The Village also recognizes the very sensitive nature of the natural environment in the District and the value of the waterfront for visual and direct access by residents, employees and visitors alike, and, therefore, establishes that all development must effectively protect and conserve:

- A. important fish spawning grounds;
- B. aquatic life, bird and other wildlife habitats;
- C. buildings and lands from flooding and accelerated erosion;
- D. archaeological resources;
- E. functions of the freshwater wetlands;
- F. natural beauty and open space; and
- G. provide for public access to waterfront areas.

#### **4.10 Commercial Light Industrial (CL) Intent**

This DISTRICT delineates those areas of the Village that, by their location along and adjoining major PRIMARY ROADS and the existing types of USES, can support a range of regional business USES and certain compatible INDUSTRIAL USES that, by their nature, require direct access to and support of such ROAD network and/or that may require essential services compatible with such USES. It is the Village's intent that all major regional business USES locate within this DISTRICT.

#### **4.11 Conservation - I (C-I) Intent**

This DISTRICT delineates those open, publicly-owned and/or environmentally sensitive land and water areas of the Village that because of their current USE, critical relationship to the Canal and Queen Catherine Wetland, or extreme environmental sensitivity, should be preserved and utilized only for less intensive and carefully considered DEVELOPMENT that is compatible with the sensitive nature of such lands, and thereby ensuring that the existing character, nature and benefits derived from such lands are preserved and retained.

#### **4.12 Conservation - If (C-II) Intent**

This DISTRICT delineates those open, State-owned parklands and/or environmentally sensitive/steep slope areas of the Village that because of the current USE and environmental constraints are not appropriate for intensive private development. It is the Village's intent to protect the existing public USE of these lands, as well as to ensure that any new development is compatible with these existing USES and/or the environmental limitations of the land.

#### **4.13 Use Regulation Table**

The USE Regulation Table for USES permitted in each Zoning DISTRICT is as follows:

#### 4.13 USE REGULATION TABLE (see page 31 for a Legend)

USE	DISTRICT												
<b>RESIDENTIAL</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RT</b>	<b>MR</b>	<b>BT-I</b>	<b>BT-II</b>	<b>CB</b>	<b>LD</b>	<b>CD</b>	<b>CL</b>	<b>C-I</b>	<b>C-II</b>
SINGLE-UNIT DWELLING	P	P	P	P	S	P	P		X <sub>1</sub>				P
TWO-UNIT DWELLING		P	P	S	S	P	P						
MULTI-UNIT DWELLING		S	S		S	S	S		S	S			
ALTERNATIVE DWELLING PARK													
BED & BREAKFAST	S	S	S	S		S	S		S				
INN		S	S	S		S	S		S				
BOARDING HOUSE						S							
DWELLINGS WITH A BUSINESS						S		X	S				
DWELLING ABOVE FIRST FLOOR BUSINESS						S		X	S				
<b>ACCESSORY USES</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RT</b>	<b>MR</b>	<b>BT-I</b>	<b>BT-II</b>	<b>CB</b>	<b>LD</b>	<b>CD</b>	<b>CL</b>	<b>C-I</b>	<b>C-11</b>
ACCESSORY USE/STRUCTURE	P/S	P/S	P/S	P/S	P/S	P/S	P/S	X	X	P/S	P/S	P/S	P/S
DAY CARE - FAMILY HOME	p	p	P	P	P	P	P						P
DAY CARE - GROUP FAMILY HOME	p	p	P	P	P	P	P						P
HOME OCCUPATION	P	P	P	P	P	P	P		S	P			P
COTTAGE INDUSTRY			S	S		S	S						S

GENERAL USES	R1	R2	R3	RT	MR	BT-I	BT-II	CB	LD	CD	CL	C-I	C-II
AGRICULTURE										p		p	
AGRI-BUSINESS										S		S	
ANTENNA (WTF), TOWER											S	S	S
BOAT DOCKS, LAUNCHES									S	S		S	
CEMETERY		S	S										
CHURCHES				S									
CLUB-ROD & GUN												S	
CLUB, MEMBERSHIP						S							
DAY CARE CENTER/NURSERY SCHOOL			S		S	S					S		
GOLF COURSE, DRIVING RANGE										S		S	
KENNEL										S			S
NURSING, CONVALESCENT HOME						S							
PRIVATE SCHOOL			S			S		X			S		
PUBLIC/GOV'T USE	S	S	S	S	S	S	S	S	S	S	S	S	S
PUBLIC RECREATION/PARK	P	P	P	P	P	P	P	P	P	P	P	P	P
PUBLIC UTILITY	S	S	S	S	S	S	S	S	S	S	S	S	S
ROADSIDE STAND										S		S	
STABLE, COMMERCIAL													
STABLE, PRIVATE													
WIND ENERGY CONVERSION SYSTEM												S	
WIRELESS TELECOMMUNICATION FACILITY, ON EXISTING STRUCTURE				S		S	S		S	S	S	S	S



<b>TOURISM RELATED USES</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RT</b>	<b>MR</b>	<b>BT-1</b>	<b>BT 11</b>	<b>CB</b>	<b>LD</b>	<b>CD</b>	<b>CL</b>	<b>C-I</b>	<b>C-II</b>
ART GALLERIES				S		S	S	X	S				
BOAT DOCKS, LAUNCHES									S	S		S	
CAMPGROUND										S		S	S
CULTURAL USES				S		S	S	X	S	S		S	
HOTEL/MOTEL					S	S	S	X	S				
MARINA									S	S		S	
MICRO-BREWERY						S	S	X	S	S			
MUSEUMS						S	S	X	S	S		S	
OUTDOOR COMMERCIAL RECREATION									S	S		S	S
SPECIALTY RETAIL				S				S	S	S	S	S	
RESTAURANT, FAST FOOD						S		X	S*	S*	S		
RESTAURANT, STANDARD						S	S	X	S	S	S		
WINERY							S	X	S	S			

\* MAXIMUM GROSS SQUARE FOOTAGE NOT TO EXCEED 1,800

<b>BUSINESS USES</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RT</b>	<b>MR</b>	<b>BT-1</b>	<b>BT-11</b>	<b>CB</b>	<b>LD</b>	<b>CD</b>	<b>CL</b>	<b>C-I</b>	<b>C-II</b>
AMUSEMENT GAME CENTER						S		X	S	S	S		
ANTIQUE & CRAFT SHOP				S		S		X	S	S	S		
BANK, FINANCIAL INSTITUTIONS						S		X			S		
BAR & NIGHT CLUB								X	S	S	S		
BARBER AND BEAUTY SHOPS				S		S		X			S		
CAR WASH											S		
CONVENIENCE FOOD MART											S		
CREMATORY													
DRIVE-THROUGH USES						S					S		
FITNESS CENTER/HEALTH CLUB					S	S		X		S	S		
FLEA MARKET													
FUNERAL HOME						S							
GENERAL BUSINESS OFFICE				S		S		X	S		S		
MEDICAL CLINIC					S	S		X			S		
MINI-STORAGE						S					S		
MODERATE RETAIL				S		S		S	S	S		S	S
MOTOR VEHICLE FILLING STATION											S		
NEWSPAPER PUBLISHING USE								X			S		
NURSERY, PLANTS						S						S	
PERSONAL SERVICE AND REPAIR				S		S		X			S		
PHOTOGRAPHIC STUDIO				S		S		X			S		
PROFESSIONAL OFFICE				S		S		X	S	S	S		

<b>BUSINESS USES con't</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RT</b>	<b>MR</b>	<b>BT- I</b>	<b>BT- II</b>	<b>CB</b>	<b>LD</b>	<b>CD</b>	<b>CL</b>	<b>C-1</b>	<b>C-11</b>
RETAIL USE OTHER THAN LISTED								X		S	S		S
SELF-SERVICE LAUNDRY								X			S		
SPECIALIZED REPAIR						S		X			S		
THEATER- SINGLE & MULTIPLEX								X			S		
USES, ADULT ENTERTAINMENT											S		
VEHICLE REPAIR											S		
VEHICLE SALES											S		
VEHICLE SALES & REPAIR – HEAVY EQUIPMENT											S		
VETERINARY HOSPITAL						S							
<b>INDUSTRIAL USES</b>													
CONTRACTORS EQUIPMENT STORAGE/MAINTENANCE											S		
EXTRACTION, SOIL MINING													
FUEL STORAGE TERMINAL													
MANUFACTURE, FABRICATION, ASSEMBLY AND OTHER MATERIALS HANDLING, INCLUDING OFFICES AND SHOW ROOMS									S		S		
RESEARCH FACILITIES											S		
TRUCKING TERMINALS													
WAREHOUSING, WHOLESALE AND RETAIL DISTRIBUTION CENTERS, INCLUDING OFFICES											S		

## LEGEND

### ZONING DISTRICTS:

R1	RESIDENTIAL LOW DENSITY
R2	RESIDENTIAL MODERATE DENSITY
R3	RESIDENTIAL HIGH DENSITY
RT	RESIDENTIAL TRANSITION
MR	MULTIPLE RESIDENTIAL
BT-I	BUSINESS TRANSITION - I
BT- II	BUSINESS TRANSITION - II
CB	CENTRAL BUSINESS DISTRICT
LD	LAKEFRONT DEVELOPMENT
CD	CANAL DISTRICT
CL	COMMERCIAL LIGHT INDUSTRIAL
C - I	CONSERVATION I
C- II	CONSERVATION 11

### USE

### DESIGNATIONS:

P	PERMITTED AS OF RIGHT
S	PERMITTED UNDER SITE PLAN APPROVAL BY PLANNING BOARD
F	PERMITTED IN FLOATING ZONE
X	PERMITTED IN EXISTING STRUCTURE SITE PLAN FOR DEMOLITION/EXPANSION OF EXISTING STRUCTURE
X <sub>1</sub>	PERMITTED IN STRUCTURE EXISTING AT THE TIME OF ENACTMENT OF THIS ZONING LAW NO NEW CONSTRUCTION WILL BE PERMITTED UNLESS IT IS COMPLIANT WITH PROVISIONS OF ARTICLE 10. NOW CONFORMING STRUCTURE, USE AND LOT
P/S	PERMITTED IF PRINCIPAL USE IS PERMITTED SITE PLAN IF PRINCIPAL USE REQUIRES
BLANK	NOT PERMITTED IN THAT DISTRICT

## **APPENDIX C - CANAL REGULATIONS AND STANDARDS FOR DOCKS ON THE CANAL SYSTEM**

### **Part 150: GENERAL PROVISIONS**

- §150.1: Definitions
- §150.2: Canals Free
- §150.3: The Navigation Season
- §150.4: Unauthorized Operation of Locks
- §150.5: Propelling Float Against Gate
- §150.6: Prohibited Activities
- §150.7: Canal Officials Not to be Freight Agents
- §150.8: Misconduct; Taking of Gratuities
- §150.9: Prohibiting Movement of Explosives
- §150.10: Seizure of Obstruction
- §150.11: Swimming, Diving, Fishing, and Hunting at Canal Structures
- §150.12: Hunting and Fishing Permits Not Authorized
- §150.13: Aircraft on canal Waters

### **Part 151: NAVIGATIONAL RULES**

- §151.1: Equipment
- §151.2: Floats in Bad Condition
- §151.3: [Reserved]
- §151.4: Canal Officers May Examine Floats
- §151.5: Dimensions and Design of Floats
- §151.6: Draft Marks on Commercial Floats
- §151.7: Number of Unites in Tow
- §151.8: Formation of Tows
- §151.9: Propulsion of Barge by Pushing
- §151.10: Mooring
- §151.11: Obstruction of Navigation
- §151.12: When Canal Levels are Drawn
- §151.13: Buoys and Lights
- §151.14: Assistance to Floats
- §151.15: Speed on Canals
- §151.16: Speed When Passing
- §151.17: When Passing Stationary or Slow-Moving Floats, etc.
- §151.18: Preference of Floats in Passing
- §151.19: Locks
- §151.20: Signaling Lift Bridges
- §151.21: Warning Signal Approaching Bends
- §151.22: When Traffic is Congested
- §151.23: Pilot Rules
- §151.24: Aids to Navigation

§151.25: Clearance

§151.26: Non-Navigation Season Storage of Floats

**Part 152: RULES FOR PLEASURE BOATS**

§152.1: Regulations for Pleasure Boats

**Part 153: TERMINAL USE**

§153.1: Points for Float Receipt and Discharge of Cargoes

§153.2: Payment of Charges

§153.3: Dockage and Wharfage for Canal Floats

§153.4: Storage Charges for Canal Freight at all Canal Terminals

§153.5: Storage Rates for Canal Freight

§153.6: Special Storage Provisions at all Terminals

§153.7: Stevedoring

§153.8: Abandoned Property

§153.9: Mooring Facilities During Closed Season

§153.10: Refusal to Obey Directions

**Part 154: FEES AND CHARGES FOR SALVAG WORK AND FOR USE OF DRY DOCKS**

§154.1: Salvage Work

§154.2: Use of Dry Docks

**Part 155: DIMENSION REQUIREMENTS AND MILEAGE DATA**

§155.1: Floats

§155.2: Channel

§155.3: Bridges

§155.4: Locks

§155.5: Mileage

§155.6: Distance between Certain Points on Canals and Connecting Waters

**Part 156: REVOCABLE PERMITS**

§156.1: Granting Revocable Permits

§156.2: Occupancy and Use of Canal Lands or Waters

§156.3: Permits for Aircraft on Canal Waters

§156.4: Schedule of Fees for Revocable Permits for the Temporary Use or Occupancy of Canal Lands or Facilities and for the Diversion or Use of Canal Waters

**Part 157: PUBLIC ACCESS TO CANAL CORPORATION RECORDS**

§157.1: Records Available for Inspection and Copying; Fees

§157.2: Rights of Party Denied Access to Records



## **PART 150: GENERAL PROVISIONS**

Historical Note: Part (§§150.1-150.5) repealed, new (§§150.1-150.2) filed Oct. 2, 1972, renum. Part 181, Title 17, filed Nov. 5, 1979; new (§§150.1-150.13) added by renum. Part 50, Title 17, Jan. 1997.

### **§ 150.1 Definitions**

The following terms when used in this Chapter, unless otherwise expressly stated or unless the context or subject matter requires otherwise, shall have the following meanings:

(a) The New York State Canal Corporation (the Canal Corporation) shall mean the corporate subsidiary of the New York State Thruway Authority, created by section 382 of the Public Authorities Law. The New York State Thruway Authority (the Authority) shall mean the public corporation created by title 9 of article 2 of the Public Authorities Law.

(b) Canal Recreationway Commission shall mean the advisory body created pursuant to article 13-A of the Canal Law, consisting of state, local and private citizens representative of diverse canal interests and geographic areas of the canal system.

(c) The Canal Recreationway Plan shall mean the comprehensive plan for development of the New York State Canal System formulated pursuant to article 13-A of the Canal Law.

(d) Division director shall mean the administrative head of a designated area constituting a division of the Canal Corporation.

(e) The New York State canal or the canal system shall each mean all the canals, canal lands, feeder canals, reservoirs, canal terminals and canal terminal lands of the State transferred to the jurisdiction of the authority and operated by the Canal Corporation pursuant to Chapter 766 of the Laws of 1992, as hereinafter defined.

(f) Canals or canal shall mean the channel and adjacent State-owned banks of the inland waterways of the State constructed, improved, or designated by authority of the Legislature as canals and shall include canalized rivers and lakes, canal water supply reservoirs, canal water supply feeder channels and all appertaining structures including locks, dams, bridges, etc., necessary for the proper maintenance and operation of the canals.

(g) Canal terminal shall mean the facilities which have been constructed or acquired under authority of the Legislature in connection with the canal system for loading, unloading, and/or temporarily storing commodities transported upon the canals and shall include docks, dock walls, bulkheads, wharves, piers, slips, basins, harbors, buildings, equipment, tracks and roadways together with the lands now owned or as may hereafter

be acquired by the State or the Canal Corporation for the proper maintenance and operation of the canal terminals.

(h) Erie Canal shall mean the portion of the canal system connecting the Hudson River at Waterford with the Niagara River at Tonawanda.

(i) Oswego Canal shall mean the portion of the canal system connecting the Erie Canal at Three Rivers with Lake Ontario at Oswego.

(j) Champlain Canal shall mean the portion of the canal system connecting the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall.

(k) Cayuga and Seneca Canals shall mean the portions of the canal system connecting the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Cayuga inlet to the southerly side of State Street in the city of Ithaca and through Seneca Lake with Montour Falls.

(l) Canal lands shall mean all lands and waters forming a part of the canal system, title to which was originally vested in the State, acquired by the State or which may in the future be acquired by the State or the Canal Corporation for canal purposes.

(m) Permit shall mean a revocable agreement granting temporary occupancy or use of lands, facilities, or structures of the canal system.

(n) Float shall mean every boat, vessel, raft or floating thing navigated on the canals or moved thereupon under the direction of some person having the charge thereof.

(o) Master shall mean every person having for the time, the charge, control or direction of any float.

(p) Person shall mean an individual, partnership, corporation or association.

(q) Mooring shall mean the making fast of a float to a structure. This may be by direct attachment to the structure or through other floats.

(r) Dockage shall mean the charges which are established for the mooring of a vessel at a terminal.

(s) Wharfage shall mean the charges which are established for the privilege of moving commodities from or into floats while moored at a terminal.

(t) Storage shall mean the temporary occupancy, by commodities, of space on a canal terminal. Storage carries no responsibility by the State, the authority or the Canal Corporation for damage or loss of commodities.

(u) Canal freight shall mean commodities moved or to be moved via the New York State

canals.

(v) Day shall mean a period of 24 hours or fraction thereof.

(w) Area occupied shall mean driveways, passageways, etc., which are monopolized by the commodity to the exclusion of other shippers.

(x) Outgoing canal freight shall mean freight delivered on a canal terminal for transportation on the canal system.

(y) Incoming canal freight shall mean freight delivered on a canal terminal after transportation on the canal system.

(z) Owner of a vessel, operating on the canals, shall mean the person so declared and filed with the United States Treasury Department (Bureau of Customs), and who is also required to file proper certificate of registry with the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 181.1, Title 17, filed Nov. 5, 1979; new added by renum. 50.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

## **§ 150.2 Canals free**

Navigation on the State canals is free except for mooring, dockage, wharfage, storage, or use of canal equipment or facilities for which a permit or pass is required and charges are established in this Subchapter. The acceptance of fees or gratuities of any kind by lock officials or other canal employees is forbidden. Vessels propelled in whole or part by mechanical power shall be charged a toll for use of locks and lift bridges. Tolls shall be collected through sale of lock and lift bridge passes obtainable on an annual basis for the navigation season, as defined in section 150.3 of this Part. In the case of recreational vessels, two-day passes and 10-day passes (consecutive days) for unlimited lockage/lift bridge passage shall also be obtainable. Charges for lock and lift bridge passes are established as follows:

(a) Recreational vessels.

(1) Annual pass for the navigation season:

Vessel Size	Rate
less than 16'	\$ 25.00
16' - under 26'	\$ 50.00
26' - 39'	\$ 75.00

greater than 39'	\$ 100.00
------------------	-----------

(2) Unlimited two-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 5.00
16' - under 26'	\$ 10.00
26' - 39'	\$ 15.00
greater than 39'	\$ 20.00

(3) Unlimited 10-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 12.50
16' - under 26'	\$ 25.00
26' - 39'	\$ 37.50
greater than 39'	\$ 50.00

(b) Commercial cargo-carrying vessels. Annual pass for the navigation season: \$ 750 per commercial operator.

(c) Crewed, passenger-carrying tour boats. (1) Non-sleeper. Annual pass for the navigation season: \$ 10 per passenger capacity.

(2) Sleep-aboard. Annual pass for the navigation season: \$ 30 per passenger capacity.

(d) Non-crewed hire boats. Annual pass for the navigation season: \$ 300 per vessel. The Canal Corporation may provide for sale of lock and lift bridge passes by the Canal Corporation or by any other entity pursuant to such procedures as the chairman may prescribe.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 181.2, Title 17, filed Nov. 5, 1979; new added by renum. 50.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; April 26, 2002 as emergency measure; July 2, 2002. Amended opening para., added (a)(3).

### **§ 150.3 The navigation season**

The opening of the navigation season depends upon natural conditions. Notice of official opening and closing dates will be announced by the Canal Corporation annually.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

#### **§ 150.4 Unauthorized operation of locks**

Neither the lock gates, valves, paddles, capstans, nor any part of the machinery on or connected with a lock shall be operated by any person other than the duly appointed lock officials; nor shall any mechanical part of any lock be handled or interfered with by any other person. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.4, Title 17, Jan. 1997.

#### **§ 150.5 Propelling float against gate**

Any person who propels a float to or against any lock gate, or, being in control of such float, permits it to be propelled against any lock gate, buffer beam or other structure, for the purposes of opening, closing or otherwise operating the same, shall be deemed guilty of violating the foregoing section and shall be subject to the penalty therefor.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.5, Title 17, Jan. 1997.

#### **§ 150.6 Prohibited activities**

The activities and uses enumerated in this section shall be absolutely prohibited on any canal system land.

(a) Alms. No person shall solicit alms or contributions.

(b) Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

(c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.

(d) Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life.

(e) Disorderly conduct. No person shall do any of the following:

- (1) disobey a lawful order of any officer or employee of the Canal Corporation or any sign erected by or at the direction of the Canal Corporation;
- (2) throw stones or other objects or missiles which may inflict bodily injury or damage to property;
- (3) obstruct vehicular or pedestrian traffic;
- (4) climb upon any wall, fence, structure or monument;
- (5) throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose;
- (6) operate any vehicle or equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance;
- (7) commit an act which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;
- (8) operate a snowmobile, motorbike or any other motorized vehicle, provided however, the Canal Corporation may, in its discretion, issue a revocable permit to a snowmobile club that is a member of the New York State Snowmobile Association for snowmobile use after each municipal governing board located within the permit area has passed a Resolution approving of such snowmobile use; such permit shall require liability insurance through a blanket insurance policy administered by the New York State Snowmobile Association and funded by the Office of Parks, Recreation and Historic Preservation. The permit shall also require that signing be placed in accordance with the New York State Snowmobile Trail Signing Handbook and that all operations be consistent with laws, rules and regulations governing the use and operation of snowmobiles. Minimum snow cover for snowmobile operations, trail opening and closing times and dates, and a maximum speed limit shall be specified;
- (9) dumping of garbage or refuse;
- (10) horseback riding; and
- (11) carrying of firearms.

(f) Property closed to public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the Canal Corporation.



(g) Use of established ways. No person shall use other than trails, overlooks, roads and other ways established and provided for public use by the Canal Corporation. No liability shall attach to the State, the authority or the Canal Corporation, or any officer, employee or agent of said State, authority or Canal Corporation, for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.

(h) Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 50.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (e)-(g).

#### **§ 150.7 Canal officials not to be freight agents**

No Canal Corporation official or employee shall act as agent for shippers, boat owners, or freighting firms engaged in canal commerce, or receive directly or indirectly any compensation from any shipper, boat owner, firm, or any person for procuring freight on freight boats. Such information as may be available as to freight to be shipped or as to freight boats will be furnished by the Canal Corporation to all applicants without charge of any kind.

Historical Note: Sec. added by renum. 50.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

#### **§ 150.8 Misconduct; taking of gratuities**

Any person employed on the canal locks or any other post on the canal who shall report for duty in an intoxicated condition, or who becomes intoxicated while on duty, or who is absent from duty during working hours without permission, or who shall demand or receive, under any pretense or any form or manner whatsoever, any gratuity, valuable thing or what is commonly known as "scale money" from boatmen or others, or who unlawfully takes or receives any merchandise or other articles from floats navigated on the canals, shall be subject to dismissal.

Historical Note: Sec. added by renum. 50.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

#### **§ 150.9 Prohibiting movement of explosives**

The movement of explosives through the New York State canals is prohibited. The term explosives as used in this Subchapter includes liquid nitroglycerine, dynamite, nitrocellulose fireworks, black powder, smokeless powder, fulminate, ammunition, bombs, fuses, squibs and other articles of like nature.

Historical Note: Sec. added by renum. 50.9, Title 17, Jan. 1997.

### **§ 150.10 Seizure of obstruction**

The Canal Corporation may cause to be seized and removed any object, article, float or sunken thing found within the limits of the canal system not under the care or charge of any person. The Canal Corporation shall sell, or offer for sale all seized objects, articles, floats or sunken things either before or after their removal, as the Canal Corporation deems essential for maintenance of the canal system. The sale shall be at public auction after giving 10 days' notice of such proposed sale conspicuously posted at two public places in the city or town where such object, article, float or sunken thing is found unless before the time of such sale the owner thereof appears and claims same and pays to the Canal Corporation the cost and expense which it has incurred in connection with the seizure, removal and proposed sale. The owner thereof shall be liable for the cost and expense of such seizure, removal and sale of the said object, article, float or sunken thing, which cost and expense may be recovered by the Canal Corporation in an appropriate action or proceeding brought in the name of the Canal Corporation in any court of competent jurisdiction. The avails of such sale shall be accounted for by the Canal Corporation which may, on the application of the owner and upon due proof of ownership, pay over such proceeds to the owner after deducting all costs, expenses and reasonable charges of the seizure, removal and sale thereof. Whenever, in the opinion of the Canal Corporation, the navigation or operation of any part of the canal system is interrupted or endangered, the Canal Corporation may cause to be cut up, destroyed or otherwise removed, any object, article, float or sunken thing in or partly in the waters of the canal system which may, in its judgment, be causing such interruption or damage. The Canal Corporation may enter into an agreement with the owner or owners of any property so cut up, destroyed or otherwise removed, covering the amount of damage sustained. Such agreement shall become an obligation of the Canal Corporation and paid from moneys available therefor. In case no agreement is consummated, the amount of damages sustained may be determined as provided in section 120 of the Canal Law.

Historical Note: Sec. added by renum. 50.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.11 Swimming, diving, fishing and hunting at canal structures**

Swimming, diving or fishing in the lock chambers or from the lock walls or any other canal structure is prohibited. Hunting on, at or near canal locks or any other canal structure is prohibited. Any person violating this section shall be subject to a penalty of not to exceed \$ 25 for each offense.

Historical Note: Sec. added by renum. 50.11, Title 17, Jan. 1997.

### **§ 150.12 Hunting and fishing permits not authorized**

No Canal Corporation employee has any authority or shall be allowed to grant any person, hunting permits or permits to fish in any of the canals of the State or in the State

reservoirs. (See section 150.11 of this Part.)

Historical Note: Sec. added by renum. 50.12, Title 17, Jan 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 150.13 Aircraft on canal waters**

The taking off from or landing upon the surface of waters of the canal system by aircraft is prohibited, except under conditions specified in a revocable permit or when a landing and subsequent take-off is necessary under actual distress conditions. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense. (See section 156.3 of this Title.)

Historical Note: Sec. added by renum. 50.13, Title 17, Jan. 1997.

## **PART 151. NAVIGATIONAL RULES**

Historical Note: Part (§§151.1-151.34) repealed, new (§§151.1-151.41) filed Oct. 2, 1972; renum. Part 182, Title 17, filed Nov. 5, 1979; new Part (§§151.1-§§151.30) added by renum. Part 51, Title 17, Jan. 1997.

### **§ 151.1 Equipment**

Every float navigated on the canal shall be properly staffed and equipped and shall comply with all applicable provisions of the New York State Navigation Law. Additionally, each float shall have bow and stern lines, and fenders securely fastened to the float to prevent the float from breaking concrete or damage to the lock and approach walls. Tires, hay bales, or other devices which in the opinion of the lock operator pose a risk to canal equipment, are forbidden for use as fenders. Vinyl ball or cylindrical style fenders are acceptable.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 182.1, Title 17, filed Nov. 5, 1979; new added by renum. 51.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.2 Floats in bad condition**

The Canal Corporation may prohibit from entering the canals any float which, in the opinion of the Canal Corporation or its representative, is in such condition that it may jeopardize canal structures, or is likely to become a source of damage or delay to navigation. If such a float is already in the canal, it shall be prohibited from proceeding. If the operator of the float refuses or fails to obey such prohibition, such operator and the owner shall be subject to a penalty not to exceed \$ 100 and may have privileges to utilize the canal system suspended.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.2, filed Nov. 5, 1979; new added by renum. 51.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.4 Canal officers may examine floats**

The Canal Corporation or its representative officers shall, at all times, have full authority to stop any float at any point on the canals, and to board and remain on such float as long as deemed necessary for the purpose of examining the same. Every effort shall be made to provide any information as is requested. Any person obstructing such officer in the execution of the officer's duty shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.4, filed Nov. 5, 1979; new added by renum. 51.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.5 Dimensions and design of floats**

- (a) The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43 1/2 feet wide.
- (b) The maximum height above water of floats navigated on the canal system shall not exceed the vertical overhead clearance of canal structures.
- (c) All floats passing through the locks shall be free from projections or sharp corners that may damage the lock walls or other lock structures.
- (d) Any float not conforming to the provisions of this section may be refused passage through the locks.
- (e) The owner or operator of any float navigating the canal in violation of the provisions of this section shall be subject to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Aug. 31, 1976; renum. 182.5, Title 17, filed Nov. 5, 1979; new added by renum. 51.5, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a), (c), (e).

#### **§ 151.6 Draft marks on commercial floats**

All commercial floats operating on the canal shall have legible, properly sized, and properly spaced draft marks that comply with Section 97.40-10 of Title 46 of the United States Code of Federal Regulations.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.6, Title 17, filed Nov.

5, 1979; new added by renum. 51.6, Title 17, Jan. 1997; repealed, new filed Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.7 Number of units in tow**

Without special permission of the Canal Corporation, no fleet shall consist of more units than may be passed through a lock in two lockings.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.7, Title 17, filed Nov. 5, 1979; new added by renum. 51.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

#### **§ 151.8 Formation of tows**

Fleet formation of two loaded barges abreast is permitted in the canalized river and lake sections of the canal. Such formation shall not be used in other sections of the canal without the written permission of the Canal Corporation. Where difficulty is experienced in holding light fleets within the buoyed channels, the Canal Corporation or its representative may order such formation and devices for control as in its judgment will best protect the buoys. Failure to comply with such orders will subject the operator of the towing tug to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.8, Title 17, filed Nov. 5, 1979; new added by renum. 51.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.9 Propulsion of barge by pushing**

(a) No barge may be pushed in canal waters, unless:

(1) The construction and make-up of the fleet is such that the steersman has an unobstructed view of the full outline of the deck at the bow of the forward barge and of the water surface 400 feet in advance of such bow.

(2) When under way, there is at all times on the deck of the first pushed barge a deckhand to signal directions to the steersman.

(3) When entering or leaving a lock, deckhands shall be stationed at the forward end of the first pushed barge to signal directions to the steersman and to handle fenders as required.

(b) All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,\* as published and amended by the United States Coast Guard, relative to lights to be carried on floats, except as otherwise provided herein.

\*NB Not filed with the Department of State.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.9, Title 17, filed Nov. 5, 1979; new added by renum. 51.9, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.10 Mooring**

(a) Each float moored in the canal shall be made fast to secure moorings, at bow and stern, with good and sufficient lines so as to prevent such float from breaking away under the ordinary strain caused by passing floats, current, etc.

(b) No float shall be moored or anchored in the canal channel at any point where its presence will interfere with navigation, and no float shall be moored or anchored at any point in the canal for a period in excess of 24 hours without the authorization of the Canal Corporation or its representative.

(c) No float shall be moored at any Canal Corporation owned dock or terminal in excess of 48 hours in any calendar month, without first obtaining an official permit.

(d) No mooring is allowed in the "Waterford Flight" between the foot of Lock E-2 and Guard Gate No. 2, without authorization from the Canal Corporation.

(e) No float shall tie by or be moored at the head or foot of any lock except with the consent of the lock operator.

(f) The operator of a float shall comply with all directions given by the lock operator.

(g) Except as directed by the lock operator, the use of ladders in the lock chambers for mooring purposes is prohibited and no float shall be tied or fastened to the same. In no event shall any line be tied or made fast to any ladder or mooring device within the lock chamber.

(h) No float shall moor to or attach a line to any buoy, light or channel marker in the canals. Floats moored within or along the edge of the canal channel at night shall comply with the Inland Navigation Rules\*, as published and amended by the United States Coast Guard.

(i) A violation of this section shall subject the owner or operator of the offending float to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.10, Title 17, filed Nov. 5, 1979; new added by renum. 51.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.11 Obstruction of navigation**

The operator of any float who obstructs navigation of the canal by improper mooring, management or conduct of a float, or any person who obstructs navigation of the canal by placing any object in the waters of the canal or by placing any obstruction upon the bank thereof, shall be subject to a penalty not to exceed \$ 100 for each such obstruction.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.11; Title 17, filed Nov. 5, 1979; new added by renum. 51.11, Title 17, Jan. 1997; repealed, new added by renum. and amd. 151.12, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.12 When canal levels are drawn**

In the event the Canal Corporation, in its discretion, determines it is necessary to draw down water from any canal level, all floats which may be upon such level shall be moved to such points as the Canal Corporation or its representative shall direct. The operator of a float who fails or refuses to comply with such direction from the Canal Corporation or its representative shall be subject to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.12, Title 17, filed Nov. 5, 1979; new added by renum. 51.12, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.11, new added by renum. and amd. 151.14, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.13 Buoys and lights**

No person in the canal shall move, alter or destroy any buoy or other aid to navigation; nor shall a float operator moor a float to any buoy or other aid to navigation or set out navigation markers, except in accordance with a duly authorized permit. Whenever a float operator strikes a buoy or light, notices that a buoy or light is out of position, its light is out or is otherwise in bad order, or encounters or observes some other hazardous physical condition, such float operator shall report the matter to the lock operator at the next lock through which the float passes with a written statement as to the location of the displaced buoy, extinguished light or other improper condition as appropriate, the time when the accident occurred, or the time when condition reported was noticed. Forms for such report may be obtained from the lock operator.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.13, Title 17, filed Nov. 5, 1979; new added by renum. 51.13, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 151.15, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.14 Assistance to floats**

(a) In case any float grounds, sinks or otherwise obstructs navigation on the canal, the



Canal Corporation may cause the same to be salvaged, destroyed or removed, subject to the provisions of section 83 of the Canal Law.

(b) The Canal Corporation will provide equipment and personnel to assist floats meeting with mishap on the canal as follows:

(1) Where a float is in the channel and in danger of obstructing navigation, or there is danger of loss of life or serious property damage, the Canal Corporation assistance will be as prompt and thorough as possible.

(2) Where a float is sunk entirely outside of the channel and there is no immediate prospect of such float coming into the channel or otherwise interfering with navigation, Canal Corporation equipment will ordinarily not be used in such salvage work. However, the division canal engineer may grant a request for such assistance when the division canal engineer determines that the equipment is available. In such cases, the fee established by this Chapter will be charged. Before the Canal Corporation will start work of this character, the owner, master or representative must deliver to the division canal engineer a guarantee in the form of a certified check for the estimated cost of the work.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.14, Title 17, filed Nov. 5, 1979; new added by renum. 51.14, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.12, new added by renum. and amd. 151.16, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.15 Speed on canals**

Every operator of a float is responsible for the wake of that float. In dug sections of the canal system, float speed shall not exceed ten miles per hour, except within 100' of a dock, pier, raft, float, anchored or moored, float speed shall not exceed five miles per hour.

In canalized rivers of the canal system, float speed shall not exceed the posted speed, or, if there is no posted speed, shall depend on the conditions of traffic but shall not exceed forty-five miles per hour, except within 100' of a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.

In lakes of the canal system, float speed shall depend on the conditions of traffic, except within 100' of the shoreline, a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.

So far as may be practicable, the rates of speed will be indicated for the various sections at each lock and in no event shall such rates of speed be exceeded. Any operator of a

float violating this section shall be subject to a penalty not exceeding \$ 100 for each offense and the lock or bridge at which the float first appears following such violation, may refuse such float passage for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.15, Title 17, filed Nov. 5, 1979; new added by renum. 51.15, Title 17, Jan. 1997; renum. 151.13, new added by renum. and amd. 151.17, filed Feb. 15, 2005; amd. filed April 9, 2009 eff. April 29, 2009.

#### **§ 151.16 Speed when passing**

Every float, when passing any float underway or while passing a moored float, shall slow down to a speed and exercise proper control so as to prevent damage to such other floats. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.16, Title 17, filed Nov. 5, 1979; new added by renum. 51.16, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.14, new added by renum. and amd. 151.18, filed Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.17 When passing stationary or slow-moving floats, etc**

When two floats, going in opposite directions approach each other in the vicinity of a float which is stationary or moving at a slow rate of speed, in such manner that they would, if both should continue their headway, meet by the side of such third float, the float which shall be going in the same direction as the third float is going, or is headed, shall stop until the float going in the opposite direction has passed. In canalized rivers where a current exists, however, the float which is proceeding with the current shall have the right of way past the stationary or slow-moving float and the float which is proceeding against the current shall wait until the float proceeding with the current has passed. The float proceeding with the current shall indicate to the approaching float its intention to proceed. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.17, Title 17, filed Nov. 5, 1979; new added by renum. 51.17, Title 17, Jan. 1997; renum. 151.15, new added by renum. 151.19, filed Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.18 Preference of floats in passing**

(a) Floats in passing shall be governed by the whistle signals as prescribed in the Inland Navigation Rules,\* as published and amended by the United States Coast Guard.

(b) When in a navigable channel, every float shall, when it is safe and practicable, keep to that side of the channel which lies on the starboard side of such float.

(c) When approaching or exiting a lock, no float within 1,000 feet of the lock shall pass another float.

(d) Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.18, Title 17, filed Nov. 5, 1979; new added by renum. 51.18, Title 17, Jan. 1997; renum. 151.16, new added by renum. and amd. 151.20, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.19 Locks**

(a) Passage. (1) When approaching a lock, float operators must stop at a safe distance and follow specified signals provided by the lock operator. Operators of floats intending to enter a lock can contact the lock operator via marine band radio channel 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Lock operators will reply with navigation lights. Green indicates that the lock is ready and the float may advance. Red indicates that the float must wait.

(2) A float approaching a lock which is not ready to receive it shall come to a full stop at a safe distance from the lock and await the signal of the lock operator to approach. If the lock is ready to receive the float, the float shall slow down at a proper distance from the lock to avoid damaging the lock structure or equipment.

(3) If no light is shown, the float shall stop, stay in place or tie up immediately to the approach wall, and await further instructions from the lock operator.

(4) A float which arrives at a lock and does not employ the first opportunity of passing through same, shall lose its preference if there is any other float ready to pass through the lock.

(5) No owner or operator of a float shall unnecessarily or unreasonably delay, hinder or detain its entry into, passage through, or exit from a lock or the passage through a lock of any other float awaiting locking. The lock operator may order any float engaging in such delay removed from the lock and the owner thereof shall pay all expenses involved in such towing or removal.

(6) Fenders shall be used as required to prevent damage to the lock structure. Floats leaving the lock shall navigate at a reduced speed until the stern of such float has reached a point of at least 150 feet beyond the lock chamber.

(7) Every float operator shall comply strictly with directions or orders of the lock operator as to management of the float while awaiting locking, during locking or on entering or leaving a lock.

(8) (i) At Lockport operators of double-locking tows: eastbound, are required to have the power unit remain on the upper level until the first locking is complete; when westbound, the power unit shall enter the lock with the first locking of its double-locking tow, so as to provide power on the upper level for the floats comprising the first locking.

(ii) At the Waterford flight of locks double-locking tows are not allowed in either direction without special permission of the Canal Corporation or its representative.

(9) (i) No operator of a float shall allow the float to leave an approach wall, enter a lock, or leave a lock until the lock gates are fully open, and no red light is shown by the traffic control device on the lock, or operator of a float is directed by a lock operator to proceed.

(ii) Every operator of a float waiting to enter a lock shall give way to floats leaving the lock.

(iii) No operator of a float shall allow the float to pass through a lock unless the float is equipped with good and sufficient mooring lines and securely attached fenders; the float and any goods or equipment on the float are in a condition that permits passage through the lock in a safe and controlled manner; and the float is of a dimension, configuration or draft that permits safe passage.

(10) No person shall, while on a float that is passing through a lock of the canal, smoke or have or maintain an open flame, including a pilot light.

(11) The lock operator may require the removal of persons or perishable property from canoes, rowboats or personal watercraft during locking. The lock operator may prohibit the passage of such float through the lock if, in the discretion of the lock operator, such passage would create a hazardous condition or obstruction to navigation.

(b) Floats under control. To prevent any damage to the lock structure or its equipment, floats shall, at all times, enter each lock squarely and under proper control, at a speed that is consistent with navigation safety under the weather and water conditions prevailing in the vicinity of the lock at that time. Float personnel shall execute all specified and required navigation and safety measures to bring the float safely into the lock and to insure a full stop in the lock chamber without touching, hitting or damaging lock gates or any other vulnerable part of the lock structure or equipment. Lines shall be put out from the float to slow its final drift speed, bring it to a stop and hold it safely in the lock during locking operation.

(c) Penalties. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense and the lock operator may refuse the float passage through the lock for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Oct. 31, 1976; renum. 182.19, Title 17, filed Nov. 5, 1979; new added by renum. 51.19, Title 17, Jan. 1997;

renum. 151.17, new added by renum. and amd. 151.21, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.20 Signaling lift bridges**

(a) When approaching a lift bridge, float operators intending to pass under the bridge can contact the bridge operator via marine band radio 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Such contact or signal must be given at least 1,000 feet from the bridge. Bridge operators will reply with navigation lights, horn or whistle. Green lights indicate that the bridge is raised and ready and the float may advance. Red lights indicate that the float must wait. Where the bridge operator responds by horn or whistle, three distinct blasts indicate the float may advance. Six rapid blasts mean that the float shall come to an immediate stop and await further instructions.

(b) No float operator shall proceed under a movable bridge until the bridge is fully raised and the bridge operator has given the signal to proceed.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.20, Title 17, filed Nov. 5, 1979; new added by renum. 51.20, Title 17, Jan. 1997; renum. 151.18, new added by renum. and amd. 151.22, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.21 Warning signal approaching bends**

Every float nearing a short bend in the channel where, from the height of the banks or other cause, a float approaching from the opposite direction cannot be seen, shall sound a long distinct signal at least one-half mile from such point. Any float that may be approaching in the opposite direction shall answer with a similar signal. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.21, Title 17, filed Nov. 5, 1979; new added by renum. 51.21, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.19, new added by renum. and amd. 151.23 filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.22 When traffic is congested**

In case of a delay to navigation causing a congestion of floats at any point, the floats shall take such places as shall be assigned to them by the Canal Corporation or its representative and they shall be passed through the lock or allowed to proceed along the canal in such order as in the judgment of the Canal Corporation, or its authorized representative, shall be deemed best for the interests of general navigation. In all such cases, floats must comply strictly with the directions of the Canal Corporation or its representative. Failure or refusal to comply with such directions will subject the operator of the float to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.22, Title 17, filed

Nov. 5, 1979; new added by renum. 51.22, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.20, new added by renum. and amd. 151.24, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.23 Pilot rules**

All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,\* as published and amended by the United States Coast Guard, relative to the rules for floats passing each other, lights on floats and other matters consistent with the proper use of the canal, except as otherwise provided in this Chapter. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.23, Title 17, filed Nov. 5, 1979; new added by renum. 51.23, Title 17, Jan. 1997; renum. 151.21, new added by renum. and amd. 151.25, filed Feb. 15, 2005 eff. March 2, 2005.

\* As authorized by Public Laws 96-591; 33 U.S.C. 2001-2038, 2071-2073; 33 CFR 84, *et. seq.* See Appendix B attached hereto. (*Editor's note:* Appendix B was not filed with the Department of State.)

### **§ 151.24 Aids to navigation**

When entering canals at the Waterford entrance and traveling away therefrom, red buoys and red lights are located on the starboard side of the canal channel, while green buoys and green lights are located on the port side of the canal channel. When entering from any other location and traveling toward Waterford, red is on port and green is on starboard.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.24, Title 17, filed Nov. 5, 1979; new added by renum. 51.24, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.22, new added by renum. and amd. 151.26, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 151.25 Clearance**

(a) Every commercial float shall have a clearance. Clearances may be obtained from the operator of the first lock through which the float passes after taking cargo aboard. No float may proceed beyond the place for which it has clearance or unload any article before its arrival there. Float operators must obtain a new clearance whenever property is transferred from one float to another.

(b) A float operator shall display the clearance upon the request of any Canal Corporation employee. Unless the clearance has on it the signature of the issuing lock operator, the lock operators shall not permit the float to pass.

(c) A float whose clearance is lost may be detained until it is recleared or until the

operator of the float has procured a duplicate clearance from the lock where clearance is claimed to have been issued.

(d) The Canal Corporation, or its representative, may refuse clearance for a float against whose owner there is an unpaid penalty involving such float assessed under this Chapter, or against whose owner there is an unpaid bill rendered by the Canal Corporation for assistance to such float, or for repairing damage to Canal Corporation property caused by such float.

(e) The Canal Corporation may refuse clearance for any float, or further passage of any float already in the canal when, in the opinion of a Canal Corporation employee, its condition or equipment does not comply with this Chapter or its crew has navigated the float in a careless, reckless or inefficient manner.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.25, Title 17, filed Nov. 5, 1979; new added by renum. 51.25, Title 17, Jan. 1997; renum. 151.23, new added by renum. and amd. 151.28, filed Feb. 15, 2005 eff. March 2, 2005.

#### **§ 151.26 Non-navigation season storage of floats**

The owner or operator of a float shall not leave such float in the canal system during the closed or winter season without first obtaining a permit from the Canal Corporation or its representative. Applications for such permits shall include a description of the proposed place of storage and must be submitted before the close of the navigation season.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.26, Title 17, filed Nov. 5, 1979; new added by renum. 51.26, Title 17, Jan. 1997; renum. 151.24, new added by renum. and amd. 151.30, filed Feb. 15, 2005 eff. March 2, 2005.

### **PART 152. SPECIAL RULES FOR PLEASURE BOATS**

Historical Note: Part (§§152.1-152.23) repealed, new (§§152.1-152.3) filed Oct. 2, 1972; renum. Part 183, Title 17, filed Nov. 5, 1979; new (§§152.1-152.3) added by renum. Part 52, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended Part title.

#### **§ 152.1 Regulations for pleasure boats**

In addition to the regulations governing general traffic on the canals, the following regulations shall apply to pleasure boats:

(a) Pleasure boats will not be permitted to enter or navigate any of the canals when, in the judgment of the Canal Corporation or its representative, they may become a source of danger or of delay to navigation.

(b) Pleasure boats shall be operated in such a manner on the canal as not to interfere with



the use of such waters by commercial floats.

(c) During any period of low water, the locks will be operated for pleasure boats at such hours and at such intervals as will, in the judgment of the Canal Corporation or its representative, conserve the water supply for the locking of freight carriers.

(d) The Canal Corporation may, from time to time, establish definite time schedules for the operation of locks and lift bridges.

(e) Pleasure boats are required to come to a stop at each lift or swing bridge. The Canal Corporation will operate such bridges with due regard to street traffic and public convenience.

(f) Any float operator violating any of these rules and regulations shall be subject to a penalty not to exceed \$ 100 for each offense and the lock or bridge operator at which the float first appears following such violation may refuse the float passage for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 183.1, Title 17, filed Nov. 5, 1979; new added by renum. 52.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

## **PART 153. TERMINAL USE**

Historical Note: Part (§§153.1-153.3) repealed, new (§§153.1-153.4) filed Oct. 2, 1972; renum. Part 184, Title 17, filed Nov. 5, 1979; new (§§153.1-153.11) added by renum. Part 53, Title 17, Jan. 1997.

### **§ 153.1 Points for float receipt and discharge of cargoes**

Terminals are provided for the receipt and discharge of canal freight at the principal points of shipment. The loading, unloading or storage of commodities at points on the canal system other than these terminals shall not be allowed without first obtaining a permit therefor from the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.1, Title 17, filed Nov. 5, 1979; new added by renum. 53.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.2 Payment of charges**

A float owner or operator shall promptly pay to the Canal Corporation all charges, fees and penalties in connection with the use of a canal terminal or terminal facilities. In case of delay in payment of any charge, fee or penalty, the Canal Corporation may withhold clearance for a float or floats registered under the name of the defaulting person.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 27, 1976; renum. 184.2, Title 17, filed Nov. 5, 1979; new added by renum. 53.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.3 Dockage and wharfage for canal floats**

(a) There are no docking or wharfage charges for canal floats while receiving or discharging canal freight.

(b) Charges will be imposed for the use of cranes or derricks, including operators, fuel and oil. For canal freight only, the charge for a crane or derrick shall be \$ 150 per hour. There will be an additional charge if the crane requires transportation to the point of operation. Cranes ordinarily operate on an eight-hour per day basis. Special arrangements will be necessary for service beyond the eight-hour period.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.3, Title 17, filed Nov. 5, 1979; new added by renum. 53.3, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (b).

### **§ 153.4 Storage charges for canal freight at all canal terminals**

(a) Outgoing canal freight delivered at any canal terminal during the non-navigation season will be allowed a free storage period from February 15th to 15 days after the official opening of the canal. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing before and after such free period, during which such freight remains at the terminal.

(b) Outgoing canal freight delivered at any canal terminal during the navigation season will be allowed a free storage period of 20 days. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing after such free period.

(c) (1) Incoming canal freight delivered at any canal terminal during the navigation season will not be charged a storage fee if such freight is entirely removed from the canal terminal within 20 days from delivery.

(2) If any part of such freight remains at the canal terminal longer than 20 days, the regular storage rate for one 10-day period will be charged against the entire cargo. This charge will cover the first 20 days of occupancy of the canal terminal. Thereafter the regular storage rates will be charged for each 10-day period, or fraction thereof, with such rates applied to the amount of freight as remains at the terminal at the commencement of each 10-day period. All of the terminals shall be cleared of such storage by February 1st, unless the Canal Corporation grants a permit to extend such storage period.

(d) Any freight delivered to and placed at a canal terminal for shipment via the canal

system which is, after such delivery, diverted to shipment by means other than the canal, will be charged twice the regular storage rates for each 10-day period, or fraction thereof, elapsed from date of delivery at the terminal to time of removal therefrom.

Historical Note: Sec. filed Oct. 1972; renum. 184.4, Title 17, filed Nov. 5, 1979; new added by renum. 53.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 5, 2005. Amended (a)-(d).

### **§ 153.5 Storage rates for canal freight**

(a) The Canal Corporation shall determine the basis of storage charges, which shall be by weight, as far as practicable. The Canal Corporation shall also determine the manner of storing all such commodities.

(b) Outdoor storage charges shall be at the rate of one-quarter cent per hundredweight for each 10-day period, or fraction thereof, that freight remains at the canal terminal, in accordance with section 153.4 of this Part.

(c) Any materials, supplies or equipment maintained or stored at a canal terminal will be subject to a storage charge for each 10-day period of occupancy at the rate specified under subdivision (b) of this section.

(d) When, in the opinion of the Canal Corporation, it is not feasible to determine the weight of any commodity subject to storage charges under this Part, the charge shall be based on the area occupied with one square foot of such area to be considered as representing 200 pounds.

Historical Note: Sec. added by renum. 53.5, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.6 Special storage provisions at all terminals**

The Canal Corporation may issue special storage permits when, in its opinion, the circumstances are such that it is impractical to apply the general regulations. Such permits will be issued pursuant to section 156 of this Title.

Historical Note: Sec. added by renum. 53.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 153.7, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.7 Stevedoring**

The Canal Corporation will not provide stevedoring or handling service, or insurance. All freight storage is at the owner's risk and expense.

Historical Note: Sec. added by renum. 53.7, Title 17, Jan. 1997; amds. filed: March 30,

1999 as emergency measure; June 2, 1999; renum. 153.6, new added by renum. and amd. 153.8, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.8 Abandoned property**

In the event that any property of any name or nature is left at any canal terminal or in any storehouse connected therewith beyond the period authorized, or in the event the owner of property abandons same at a canal terminal, the Canal Corporation may notify the owner of such left or abandoned property, if the name and address of such owner be known, and direct that it be removed. But if the name and address of such owner be not known or if the owner fails to comply promptly with the notice of removal, the Canal Corporation may cause such property to be removed from the canal terminal site. If the name of the owner is known, such removal shall be at the owner's risk, cost and expense.

Historical Note: Sec. added by renum. 53.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.7, new added by renum. and amd. 153.9, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.9 Mooring facilities during closed season**

(a) Floats which have actually transported freight on the canal system at some time during the immediately preceding navigation season, including tugs which have supplied motive power to such floats, will be afforded free mooring facilities at the canal terminals for a period not to exceed one year insofar as space is available. The Canal Corporation shall assign such mooring space by issuance of a revocable permit pursuant to section 156 of this Title.

(b) Preference will be given to loaded floats over light floats, and the operator of any float or floats may be called upon to shift such float or floats from time to time to a different berth, or to another terminal, when in the opinion of the Canal Corporation, such change of berth is desirable. When adequate space for loaded floats is not available, the light floats may be required to vacate the terminal. If such order for change of berth or to vacate a berth is not accomplished promptly, the shift may be made by the Canal Corporation and the cost of such shift will become a charge against the float and its owner.

(c) Floats which have not transported freight on the canals during the immediately preceding navigation season, may be allowed to moor at the canal terminals under a revocable permit and at a mooring rate to be determined by the Canal Corporation.

(d) Floats used in the repair of the active canal floats described in the above subdivisions may be assigned mooring facilities at a mooring rate to be determined by the Canal Corporation when, in the discretion of the Canal Corporation, space is available.

Historical Note: Sec. added by renum. 53.9, Title 17, Jan. 1997; amds. filed: March 30,

1999 as emergency measure; June 2, 1999; renum. 153.8, new added by renum. and amd. 153.10, filed Feb. 15, 2005 eff. March 2, 2005.

### **§ 153.10 Refusal to obey directions**

(a) In case the operator of a float moored at any terminal fails or refuses to obey this Part, or in case the Canal Corporation is unable, after reasonable inquiry and effort, to communicate with the master of such float, the Canal Corporation may cause the float to be moved away from said terminal, or from place to place at the said terminal, as may in the Canal Corporation's discretion be necessary. The cost and expense incurred in moving the offending or obstructing float shall be chargeable to the owner of said float or the operator.

(b) The owner of a float or the operator who fails or refuses to obey any of this Part, including any directions given by the Canal Corporation or its representative pursuant to this Part, shall be subject to a penalty not to exceed \$ 100 per day for each and every day's failure, or refusal to comply therewith.

Historical Note: Sec. added by renum. 53.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.9, new added by renum. and amd. 153.11, filed Feb. 15, 2005 eff. March 2, 2005.

## **PART 154. FEES AND CHARGES FOR SALVAGE WORK AND FOR USE OF DRY DOCKS**

Historical Note: Part (§§154.1-154.12) repealed, filed Oct. 2, 1972; new (§§154.1-154.2) added by renum. Part 54, Title 17, Jan. 1997.

### **§ 154.1 Salvage work**

(a) The following rates will be charged for the use of Canal Corporation equipment:

(1) Tug .....	\$ 35 per hour
(2) Tender tug.....	\$ 20 per hour
(3) Buoy boat (with operator and supplies) .....	\$ 9 per hour
(4) Derrick boat (without propulsion).....	\$ 35 per hour
(5) Derrick boat (self-propelled).....	\$ 50 per hour
(6) Self-propelled scow.....	\$ 15 per hour
(with personnel or equipment)	
(7) Steel flat scow (150-ton).....	\$ 35 per day or
(without personnel or equipment)	fraction thereof
(8) Steel flat scow (450-ton).....	\$ 45 per day or
(without personnel or equipment)	fraction thereof
(9) Dump scow.....	\$ 50 per day or
(without personnel or equipment)	fraction thereof
(10) Dipper-dredge.....	\$ 55 per hour

- (11) Hydraulic dredge..... \$ 60 per hour
- (12) Gasoline pump..... \$ 8 per hour  
(with operator and accessories, but gasoline and oil to be furnished by the user)

(b) The basis for applying daily rates will include the entire period from the time when such equipment is taken from its headquarters or its normal station location to the time that such equipment is returned thereto. The basis for applying hourly rates will be the actual hours that the equipment is worked or operated, including transit time for movement of such equipment from its normal station location and its return thereto.

(c) Use of equipment and personnel will be limited to salvage work on floats sunk in the canal channel or those in danger of obstructing navigation.

(1) Division director will determine with the Director of Canal Maintenance and operations as to necessity for use of Canal Corporation equipment.

(2) Division director will determine what personnel and equipment will be needed and probable length of service.

(i) Division director will bill owner or person responsible for estimated cost of assistance at established rates and make request for immediate payment.

(ii) Copies to the Director of Canal Maintenance and Operations and the Authority's Office of Investments and Asset Management.

(3) Canal Corporation equipment will be operated as directed by the person in charge of salvage operations but the Canal Corporation shall assume no responsibility therefor.

(4) On completion of work and return to Canal Corporation location, Division director will prepare revised invoice in quadruplicate, and disperse all copies as follows:

(i) Owner.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management. This copy to show payroll and voucher reference on detail sheet.

(iv) Division director.

(d) Reimbursement for damages to canal structures. (1) Division director estimates the cost of the work and submits original estimate invoice as follows:

(i) Owner -- with request for payment of 75 percent.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management.

(iv) Division director retains copy.

(2) Division director prepares revised invoice when work is completed. If final invoice exceeds the 75 percent, request is made by the division director for the difference; if it is less than 75 percent, refund is made by the Authority's Office of Investments and Asset Management. The division director disperses invoices as follows:

(i) Owner.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management.

(iv) Division director retains copy.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

## **§ 154.2 Use of dry docks**

(a) The following rates will be charged for the use of Canal Corporation owned dry docks:

(1) Minimum charge for docking for any type of float will be \$ 100 for 24 hours or portion thereof.

(2) Charge for lay docking for any type of float will be \$ 50 for 24 hours or portion thereof.

(b) Invoices. To be submitted by the division director.

(1) Credit may be extended to regular operators on canal.

(2) Other transactions shall be on a cash basis.

(c) Canal Corporation's services. Shall consist of labor required for receiving and discharging float from dock. No labor shall be available for repair work.

(d) Payrolls. Time will be submitted on regular payrolls at approved rates. Distribution shall show time and amount in receiving or discharging float and reference to invoice number.



Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (a)-(c).

## PART 155. DIMENSION REQUIREMENTS AND MILEAGE DATA

Historical Note: Part (§§155.1-155.10) filed Aug. 31, 1976; renum. Part 185, Title 17, filed Nov. 5, 1979; new (§§155.1-155.6) added by renum. Part 55, Title 17, Jan. 1997.

### § 155.1 Floats

The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43-1/2 feet wide.

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.1, Title 17, filed Nov. 5, 1979; new added by renum. 55.1, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

### § 155.2 Channel

(a) Waterford to Oswego route. Minimum bottom width, land line,  
earth section ..... 104 feet  
Width of channel, water surface, land line, earth section..... 160 feet  
Minimum bottom width, land line, rock section..... 120 feet  
Bottom width of channel in canalized rivers, generally..... 200 feet  
Design depth..... 14 feet

(b) All other routes. Minimum bottom width, land line, earth section..... 75 feet  
Width of channel, water surface, land line, earth section..... 123 feet  
Minimum bottom width, land line, rock section..... 94 feet  
Bottom width of channel in canalized rivers, generally.....200 feet  
Design depth..... 12 feet

(c) Change of depth notices are published by the Canal Corporation and can be obtained from the Canal Corporation, P. O. Box 189, Albany, New York, 12201 or by accessing the Notices to Mariners posted on the Canal Corporation's website.

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.2, Title 17, filed Nov. 5, 1979; new added by renum. 55.2, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a)-(b), added (c).

### § 155.3 Bridges

Limiting clearances under bridges: Erie Canal, Waterford to Three Rivers Point,

and the Oswego Canal.....	20 feet
Erie Canal, Three Rivers Point to Tonawanda, Cayuga and Seneca Canal, and the Champlain Canal.....	15 1/2 feet

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.3, Title 17, filed Nov. 5, 1979; new added by renum. 55.3, Title 17, Jan. 1997.

#### **§ 155.4 Locks**

Built of concrete, operated by electricity:

Average time of locking.....	20 minutes
Length between lock gates.....	328 feet
Available length inside lock chambers.....	300 feet
Width of lock chambers .....	45 feet
Available width of lock chambers.....	43 1/2 feet
Depth of water on lock sills: Waterford to Oswego route.....	13 feet
All other routes.....	12 feet
Total Number of Locks.....	57

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.4, Title 17, filed Nov. 5, 1979; new added by renum. 55.4, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

#### **§ 155.5 Mileage**

Erie Canal, Waterford to Tonawanda .....	338 miles
Oswego Canal, Three Rivers Point to Oswego .....	24 miles
Cayuga and Seneca Canal, junction with the Erie Canal to Ithaca and Watkins Glen, including Cayuga and Seneca Lakes and the spur to Montour Falls .....	92 miles
Champlain Canal, Waterford to Whitehall .....	60 miles
Canal harbors at Utica, Syracuse and Rochester .....	<u>10 miles</u>
Total canal mileage .....	524 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.5, Title 17, filed Nov. 5, 1979; new added by renum. 55.5, Title 17, Jan. 1997.

#### **§ 155.6 Distance between certain points on canals and connecting waters**

New York City, Pier 6, East River to Waterford .....	154 miles
Tonawanda to Buffalo .....	12 miles
Lockport to Tonawanda .....	18 miles
Waterford to Three Rivers Point .....	160 miles
Junction, Erie and Cayuga and Seneca Canals, to Lock 1, C. and S. ....	4 miles
Junction, Lock 1, Cayuga and Seneca Canal, to Lock 4, C. and S. ....	8 miles
Whitehall to Rouses Point .....	110 miles
Albany to Whitehall .....	70 miles

Waterford to Oswego ..... 184 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.6, Title 17, filed Nov. 5, 1979; new added by renum. 55.6, Title 17, Jan. 1997.

## **PART 156. REVOCABLE PERMITS**

Historical Note: Part (§§156.1-156.4) added by renum. Part 56, Title 17, Jan. 1997.

### **§ 156.1 Granting revocable permits**

The Canal Corporation or its representative may, in its discretion, issue revocable permits granting certain limited privileges whenever the same can be done without detriment to canal navigation or damage to the canal banks or other structures thereof. The Canal Corporation shall prescribe the terms and conditions by which such revocable permits may be issued for the temporary use of canal lands or facilities and for the diversion of canal waters for sanitary, farm purposes or industrial use. An application for a revocable permit may be obtained from the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, or any division office.

Historical Note: Sec. added by renum. 56.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 156.2 Occupancy and use of canal lands or waters**

(a) Canal lands or waters may not be occupied or used except under the terms and conditions prescribed in a revocable permit issued by the Canal Corporation or its representative.

(b) Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 56.2, Title 17, Jan. 1997; amd. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

### **§ 156.3 Permits for aircraft on canal waters**

The Canal Corporation may, under certain limited and special conditions, issue revocable permits granting the taking off from or landing upon the surface waters of the canal system by aircraft whenever, in its judgment, the same can be done without detriment to canal navigation or without endangering the life or property of others. (See section 150.13 of this Title.)

Historical Note: Sec. added by renum. 56.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

**§ 156.4 Schedule of fees for revocable permits for the temporary use or occupancy of canal lands or facilities and for the diversion or use of canal waters**

The following fees shall be payable for canal work permits, for permits for the use and occupancy of canal lands or facilities and for permits for the diversion or use of canal waters:

(a) Canal work permits. Any party who plans to perform any work on the canal system must apply for and obtain a revocable canal work permit. Application, review and issuance of the permit will be administered by the Office of Canal Maintenance and Operations through the Division Office of Canals. Canal work permit applicants must pay the following fees:

(1) Application fee: \$ 25 (nonrefundable).

(2) Spoil removal: \$ 0.50 per cubic yard.

(i) Fee waived when removal is determined by the Canal Corporation to be advantageous to the Canal Corporation.

(3) Snow dumping: \$ 25.

(i) Fee waived for municipalities.

(4) An additional charge of \$ 250 per day will be imposed for any approved work on the canal system requiring an onsite inspection by Canal Corporation staff of one-half day or more.

(5) Insurance requirements for canal work permits:

(i) Insurance coverage must be provided to cover the People of the State of New York, the Authority and Canal Corporation, and all employees of the Authority and the Canal Corporation for all operations of the permittee. A permittee may provide insurance coverage as stated in either clause (a) or (b) of this subparagraph:

(a) Filing of a certificate of insurance which indicates canal work permit coverage, submitted to the Canal Corporation by permittee's insurance company or agent to insure the Authority and the Canal Corporation for all operations of the permittee under the permit.

(b) Payment under the departmental blanket policy of \$ 7.50 for insurance coverage.

(c) Utility companies and municipalities may furnish an undertaking in lieu of clause (a) or (b) of this subparagraph. An undertaking is a written agreement signed by a utility company or a municipality in which it agrees to faithfully perform the work under all canal work permits issued to them, comply with all the terms and conditions of such

canal work permits, restore the Canal Corporation property to a satisfactory condition, and pay all damages, costs and judgments which may be recovered against the Authority and/or Canal Corporation by reason of damages arising out of work done under such canal work permits. Undertakings must include the wording required by the Canal Corporation and must be executed through an insurance/bonding company. In some cases a private corporation may furnish an undertaking; however, each request must be reviewed independently.

(d) An applicant for a canal work permit shall obtain workers' compensation insurance and/or workers' disability benefits coverage in accordance with the Workers' Compensation Board requirements.

(b) Permit for use of Canal Corporation property. Any party who plans to use and/or occupy canal lands or facilities must apply for and obtain a revocable permit for use of Canal Corporation property. The application and issuance of this permit is administered by the Division Office of Canals for a fee as determined in accordance with this subdivision.

(1) Fees for use of canal lands and facilities.

(i) Permit fees for use of canal lands and facilities will be based on the property's fair market rental value as established by the Canal Corporation by an analysis, comparison and use of the most comparable rentals and sales found in the market, with the exception of permits described in subparagraph (ii) of this paragraph. The fee will be based upon a consideration of the use made of the permitted area, including placement of, but not limited to docks, ramps, slips and floats.

(ii) Permit fees for canal land used in conjunction with adjoining residences or camps for access to the canal waters or maintained as part of the permittee's property shall be \$ 50 per year. This type of permit is restricted to upland owners and includes only lands between an upland residence or campsite and the canal waters; the permitted area cannot exceed one acre of land and cannot contain any building improvements. The permit gives the permittee the right of exclusive access across the canal lands to the canal waters. An additional charge of \$ 50 will be imposed if the permittee elects to erect and/or maintain a dock, ramp, slip or float within the canal waters.

(2) Powerline, telephone and other communication crossings.

(i) Aboveground crossings. The annual permit fees for aboveground powerline, telephone and other communication crossings will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area necessary to accommodate the crossings will be computed by multiplying the required width of the corridor by the length of the corridor as measured along its centerline. The required corridor widths will vary based on the size and type of the bearing structure and the capacity of the transmission line. The minimum prescribed corridor widths are as follows:

<i>Powerline voltage</i>	<i>Minimum prescribed corridor width</i>
765kv .....	250 feet
500kv .....	175 feet
230 to 345kv .....	150 feet
115 to 138kv .....	100 feet
34.5 to 69kv .....	50 feet
23kv or less (includes telephone or other communication crossings) .....	25 feet

The corridor width of a multiline crossing will be determined by taking one-half the prescribed corridor width for each outside line and adding it to the distance between them. In no case shall the total corridor width be less than the required width for the powerline having the greatest voltage capacity. If more than one transmission line is attached to the same bearing structure, the corridor width will be that required for the transmission line with the greatest voltage capacity. The annual permit fee will be computed by multiplying the corridor area by 50 percent of the property's fair market rental value. If the area within the corridor is over water, it will be appraised using the value of adjoining canal upland.

(ii) Underground crossings. The annual permit fee for underground powerline, telephone and other communication crossings will be computed in the same manner as aboveground, except the corridor width will be a minimum 25 feet regardless of the line's voltage capacity.

(3) Pipeline crossings. (i) Aboveground (at grade). The annual permit fees for all aboveground pipelines will be based on 100 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate an aboveground pipeline crossing will be computed by multiplying the length of the pipeline by a 25-foot minimum corridor width.

(ii) Underground. The annual permit fee for an underground pipeline crossing will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate the underground crossing will be computed by multiplying the prescribed corridor width times the length of the pipeline. The minimum prescribed corridor widths for underground pipelines are as follows:

<i>Pipeline-diameter</i>	<i>Minimum prescribed corridor width</i>
Under 6 inches	15 feet
6 inches or more	25 feet

(4) Vendors. For temporary or periodic occupancy, \$ 5 per day, \$ 50 minimum or \$ 250 per year.

(5) Water usage. The fee will be based on a review of comparable prices of water available in the geographic area but will not exceed two percent of the cost per gallon charged by the nearest potable municipal water supplier.

(6) For uses not specified in this subdivision, the fee will be based on all relevant factors, such as nature and extent of use of canal property.

(7) Minimum fee. The minimum fee for a permit for use of Canal Corporation property will be \$ 50.

(8) Late charge. If the permit fee has not been paid in full by the 15th day after it has become due, an additional charge of two percent per month will be due and owing to the Canal Corporation.

(9) Canal identification plates. The Canal Corporation will issue canal identification plates to all approved holders of a permit for use of Canal Corporation property. These plates must be conspicuously posted on the property while the permit is in force and must be removed and returned to the Canal Corporation when the permit is no longer in force.

(10) Periodic review of permit fees. The Canal Corporation may revise fees for a permit for use of Canal Corporation property periodically to reflect fair market rental value. Written notice will be given to the permittee.

(11) Procedure for contesting determination of permit fees. (i) The permit applicant or permittee may dispute a permit fee determination within one month of being informed thereof by delivering or mailing, by certified mail, a request for a conference to the Division Office of Canals having jurisdiction. This request must specify and document reasons for disagreement with the fee. Such conference shall be scheduled and conducted in the Division Office of Canals. The permit applicant or permittee may have representation at the conference. After all relevant information has been presented and analyzed, the Division director shall within 14 days notify the permit applicant or permittee of the decision in writing.

(ii) The Division director's decision may be appealed by the permit applicant or permittee within 30 days of the receipt of the decision, in writing, to the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, by certified mail. The Director of Canals shall conduct an independent review of all the available information, and may also schedule a conference to allow the permit applicant or permittee, or a representative, to rebut the Division director's permit fee determination. Based on a full review of all the available data and within 14 days of receipt of a request for review, or of a conference, whichever is later, the Director of Canals shall decide the final fee determination. This determination shall be the final determination and shall be communicated to the permit applicant or permittee in writing.

(iii) Fees due the Canal Corporation are not waived either in total or in part during the appeal process outlined in subparagraph (ii) of this paragraph. Any overpayment which may result from a successful appeal will be refunded.

(12) Insurance requirements.



(i) Permit holders must provide the Canal Corporation with proof of general liability coverage issued by an insurance carrier licensed to do business in the State of New York naming the People of the State of New York, the Authority and the Canal Corporation as additional insureds.

(ii) The coverage must be single limit per occurrence for combined property damage and/or bodily injury, including death.

(iii) Minimum limits:

(a) Residential/Recreational	\$ 300,000
(b) Agricultural	\$ 300,000
(c) Vendors	\$ 500,000
(d) Industrial	\$ 2,000,000
(e) Commercial	\$ 2,000,000
(f) Utility corporations or private corporations transmitting natural gas, electricity or fluids of a hazardous nature	\$ 3,000,000
(g) Special events involving public participation	\$ 2,000,000
(h) For uses not specified in this subparagraph, the limits will be established by considering the limits listed in this subparagraph as well as the individual characteristics of the proposed use.	

(iv) The Canal Corporation reserves the right to periodically adjust the minimum limits of coverage as set forth in this section and to individually adjust the insurance coverage of a permit holder if, in the opinion of the Canal Corporation, such terms are beneficial to the People of the State of New York, the Authority and the Canal Corporation.

Historical Note: Sec. added by renum. 56.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

## **Part 157: Public Access to Canal Corporation Records**

### **§157.1 Records available for inspection and copying; fees**

#### **1. Subject Matter List**

The Canal Corporation will keep a reasonably detailed current list, by subject matter, of all records in the possession of the Canal Corporation, whether or not available under the Freedom of Information Law.

#### **2. Availability of records.**

The Canal Corporation shall produce its records for inspection by appointment during those days and hours that it is regularly open for business, as follows: Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.(excluding observed holidays). Written requests for copies of records should be directed to the Canal Corporation's Records Access Officer at 200 Southern Boulevard, Albany, New York 12209.

#### **3. Fees.**

- a. The fee for copies of records not exceeding 9 x 14 inches in size shall be 25 cents per page.
- b. The fees for searching the records of the Canal Corporation for an accident report, for furnishing a copy of an accident report, and for furnishing a copy of an accident reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law; provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of accident reports to be used for a public purpose.
- c. Except when a different fee is otherwise prescribed by statute, the fee for a copy of any other record shall be the actual cost of reproducing such record, as determined by the Records Access Officer in accordance with Public Officers Law section 87.
- d. The Canal Corporation Executive Director, or his or her designee may, at his or her discretion, waive all or any portion of the fees authorized by this subdivision.

§157.2 Rights of party denied access to records.

If access to a record is denied, such denial may be appealed to the Canal Corporation Executive Director, or his or her designee.

NEW YORK STATE THRUWAY AUTHORITY  
NEW YORK STATE CANAL CORPORATION

STANDARDS FOR DOCKS ON THE CANAL SYSTEM



NEW YORK STATE CANAL CORPORATION

MAY 2001

BUREAU OF MANAGEMENT ANALYSIS AND PLANNING

TAP-915 (05/01)

## TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I. Introduction .....	1
II. Application .....	1
III. Standards .....	1
A. Navigation .....	1
B. General .....	2
C. Environmental .....	3
IV. Appendix .....	4
V. Distribution .....	5

# STANDARDS FOR DOCKS ON THE CANAL SYSTEM

## STANDARDS FOR DOCKS ON THE CANAL SYSTEM

### I. INTRODUCTION

Section 100 of the Canal Law authorizes the Canal Corporation to "issue revocable permits granting certain limited privileges therein, whenever the same can be done without detriment to Canal navigation or damage to the banks or other structures thereof." The purpose of this document (the "Standards") is to provide specific standards for docks on the Canal System.

### II. APPLICATION

The Standards shall apply to residential/non-commercial docks, which can accommodate four or fewer boats, each of which shall not exceed 40 feet in length, with a maximum dock length of 100 feet.

Commercial docks, as well as docks larger than the size standard established above, will be analyzed on a case-by-case basis.

The Standards apply to the Erie, Champlain, Oswego and Cayuga/Seneca Canals (i.e., the areas under Canal Corporation jurisdiction). Docks on reservoirs and feeder canals will be considered by the Canal Corporation on a case-by-case basis.

Any new dock installations or extensions to current docks will require a work permit.

### III. STANDARDS

#### A. NAVIGATION

No dock shall interfere with Canal navigation, by either physically impeding navigation or obstructing the vision of boaters traveling on the Canal System.

1. Minimum offset from edge of navigation channel (bottom angle):
  - a. River section: 50 feet minimum offset.
  - b. Land cut section: 24 feet minimum offset (16 feet clear area plus 8 feet nominal boat width). Where a 24 feet offset is physically impossible, a dock with 4 feet maximum projection from the shoreline is allowable.
  - c. On curved sections of the Canal, the Canal Corporation may require greater offsets than the offsets set forth in a. and b., to account for sight distance or vessel maneuverability considerations. The Division Canal Engineer may designate certain limited areas where docks are prohibited for navigation reasons.
2. Docks shall be parallel to shore in land cut areas.

## STANDARDS FOR DOCKS ON THE CANAL SYSTEM

3. Docks shall be at least 50 feet from Canal Corporation navigation aids.
4. Docks and moored boats shall not hinder boaters' views of navigation aids or structures on the Canal System.
5. Protection of the dock and moored boats from passing boat wakes is the permittee's responsibility. Boats shall not be moored on the outer (Canal) side of wake protection devices.
6. Docks and slips shall have their design approved by the Division Canal Engineer. A standard approved dock design is attached as Appendix A.
7. Excavated slips are not permitted where:
  - a. The Canal is in an embankment section;
  - b. An unstable or unsafe condition would be created; or
  - c. The Division Canal Engineer determines that there is insufficient Canal Right-of-Way, or a future trail would be impeded.
8. No dock installation will be permitted which may impair the integrity of an embankment.
9. Slips, cuts, etc., must be lined with stone bank protection, riprap, or other method for protection against erosion and wave action as approved by the Canal Corporation.

### **B GENERAL**

1. One dock per property owner (residential) is permitted. More than one dock shall be treated as a commercial dock installation.
2. Docks and decks shall not restrict access (e.g., for trails, maintenance or operations) across Canal lands.
3. Docks shall be set back at least 10 feet from property lines of adjacent upland owners. Extensions of property lines across Canal Corporation property to the water shall be as determined by the Canal Corporation.
4. No new boathouses will be permitted.
5. Covered slips may have a roof only — no sides are permitted.
6. Excavated slips, where permitted, shall be no larger than 1,000 sq. feet.
7. All electrical and plumbing services to docks, slips and decks shall meet all applicable local, state and federal codes.
8. No enclosed storage shall be permitted on docks or decks.
9. Flotation devices for docks shall be foam blocks, pontoons or other material manufactured specifically for flotation. Metal barrels, drums, or other containers that are not specifically made for flotation are prohibited.
10. Retaining walls, when a part of a dock request, shall be constructed of stone, concrete blocks, poured concrete or other materials acceptable to the Canal Corporation. Railroad ties, vehicle tires, creosote timbers, guide railing, and asphalt are not permitted.

## STANDARDS FOR DOCKS ON THE CANAL SYSTEM

### **C. ENVIRONMENTAL**

1. Any dock with more than four boat moorings or 100 linear feet of dockage will require an independent environmental review under the State Environmental Quality Review Act (SEQRA).
2. No creosote or pentachlorophenol shall be allowed.
3. Slips or other excavations shall require a letter of no effect from the State Historic Preservation Office before permit issuance.
4. Slips or other excavations will require appropriate sampling and disposal of materials as directed by the Canal Corporation.
5. Fills are prohibited within the limits of an established floodway, flowage easement or flood plain, unless mitigation measures approved by the Canal Corporation and all other appropriate state and federal agencies are included.



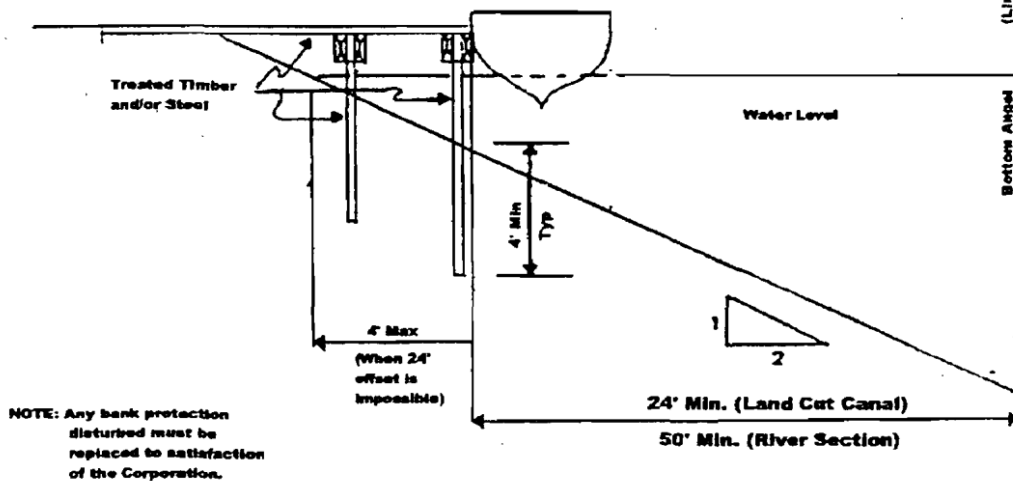
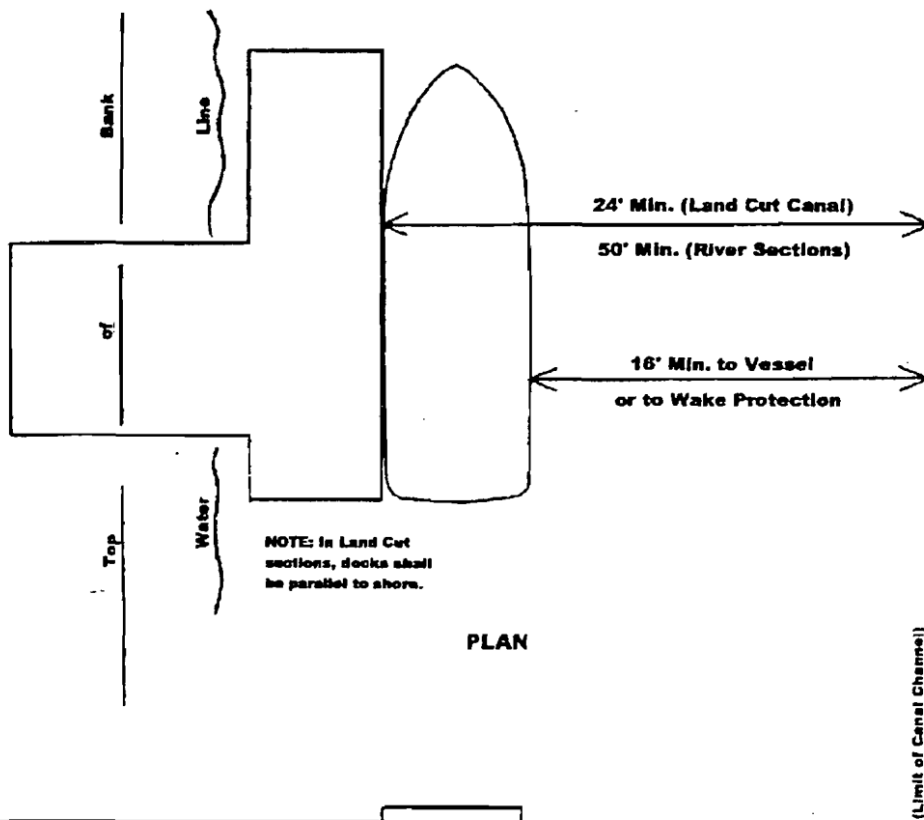
# STANDARDS FOR DOCKS ON THE CANAL SYSTEM

## IV. APPENDIX

### APPENDIX A

(Reduced from Sheet Size 8-1/2" x 11")

APPENDIX A - DOCK ALONG CANAL



# STANDARDS FOR DOCKS ON THE CANAL SYSTEM

## **V. DISTRIBUTION**

Executive Director  
Deputy Executive Director  
Department Heads  
Deputy General Counsel  
Chief Assistant Counsel, Legal Services  
Assistant Counsels, Legal Services (4)  
Director of Human Resource Management  
Director of Labor Relations  
Director of Investments and Asset Management  
Supervisor of the Bureau of Real Property Management  
Director of Design  
Director of Canal Design  
Director of Canals Maintenance and Operations  
Canals Administrative Officer  
Supervisor, Canal Engineering and Capital Program  
Director of the Bureau of Environmental Management and Historic Preservation  
Director of Canal Development  
Director of Canal Marketing  
Director of Canal Policy Implementation  
Division Directors  
Division Canal Engineers  
Division Canal Section Superintendents  
Division Canal Permit Coordinators  
Division Canal Right-of-Way Agents

## APPENDIX D – AUTHORIZED ACTIVITIES AND U.S.A.C.E. PERMITS

Activities Authorized By Nationwide Permits for New York	
1. <a href="#">Aids to Navigation</a>	27. <a href="#">Aquatic Habitat Restoration, Establishment, and Enhancement Activities</a>
2. <a href="#">Structures in Artificial Canals</a>	28. <a href="#">Modifications of Existing Marinas</a>
3. <a href="#">Maintenance</a>	29. <a href="#">Residential Developments</a>
4. <a href="#">Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities</a>	30. <a href="#">Moist Soil Management for Wildlife</a>
5. <a href="#">Scientific Measurement Devices</a>	31. <a href="#">Maintenance of Existing Flood Control Facilities</a>
6. <a href="#">Survey Activities</a>	32. <a href="#">Completed Enforcement Actions</a>
7. <a href="#">Outfall Structures and Associated Intake Structures</a>	33. <a href="#">Temporary Construction, Access, and Dewatering</a>
8. <a href="#">Oil and Gas Structures on the Outer Continental Shelf</a>	34. <a href="#">Cranberry Production Activities</a>
9. <a href="#">Structures in Fleeting and Anchorage Areas</a>	35. <a href="#">Maintenance Dredging of Existing Basins</a>
10. <a href="#">Mooring Buoys</a>	36. <a href="#">Boat Ramps</a>
11. <a href="#">Temporary Recreational Structures</a>	37. <a href="#">Emergency Watershed Protection and Rehabilitation</a>
12. <a href="#">Utility Line Activities</a>	38. <a href="#">Cleanup of Hazardous and Toxic Waste</a>
13. <a href="#">Bank Stabilization</a>	39. <a href="#">Commercial and Institutional Developments</a>
14. <a href="#">Linear Transportation Projects</a>	40. <a href="#">Agricultural Activities</a>
15. <a href="#">U.S. Coast Guard Approved Bridges</a>	41. <a href="#">Reshaping Existing Drainage Ditches</a>
16. <a href="#">Return Water From Upland Contained Disposal Areas</a>	42. <a href="#">Recreational Facilities</a>
17. <a href="#">Hydropower Projects</a>	43. <a href="#">Stormwater Management Facilities</a>
18. <a href="#">Minor Discharges</a>	44. <a href="#">Mining Activities</a>
19. <a href="#">Minor Dredging</a>	45. <a href="#">Repair of Uplands Damaged by Discrete Events</a>
20. <a href="#">Response Operations for Oil and Hazardous Substances</a>	46. <a href="#">Discharges in Ditches</a>
21. <a href="#">Surface Coal Mining Activities</a>	47. [Reserved]
22. <a href="#">Removal of Vessels</a>	48. <a href="#">Existing Commercial Shellfish Aquaculture Activities</a>
23. <a href="#">Approved Categorical Exclusions</a>	49. <a href="#">Coal Remining Activities</a>
24. <a href="#">Indian Tribe or State Administered Section 404 Programs</a>	50. <a href="#">Underground Coal Mining Activities</a>
25. <a href="#">Structural Discharges</a>	51. <a href="#">Land-Based Renewable Energy Generation Facilities</a>
26. [Reserved]	52. <a href="#">Water-Based Renewable Energy Generation Pilot Projects</a>

Source: <http://www.lrb.usace.army.mil/Missions/Regulatory/NationwidePermits/DistrictPermitProgram/NWPNY.aspx>

## NY Permit Program Regional Permits

State	Permit Number	Authorized Activity	Jurisdiction
NY	<a href="#">79-000-3</a>	Boathouses	Sections 10 & 404
NY	<a href="#">81-000-1</a>	Minor Dredging	Sections 10 & 404
NY	<a href="#">86-000-1</a>	Timber Crib Docks & Decks	Sections 10 & 404
NY	<a href="#">87-000-1</a>	Open Pile or Floating Docks, Decks, Boat Hoists, Mooring Piles, Etc.	Section 10
NY	<a href="#">87-000-13</a>	Fill Existing Boat Slips Excavated from Upland Locations	Sections 10 & 404
NY	<a href="#">97-000-1</a>	Minor Channel Work in Cooperation with Soil and Water Conservation Districts	Section 404
NY	99-000-1	<p><b>Emergency Regional Permit activated for Allegany, Cattaraugus, Chautauqua, Erie and Wyoming Counties</b></p> <p><a href="#">Emergency Activation Fact Sheet July 2015</a></p> <p><a href="#">Emergency Activation Memorandum July 2015</a></p> <p><a href="#">Activated Emergency Permit July 2015</a></p> <p><b>Emergency Regional Permit activated for Ontario, Schuyler, Steuben, Tioga, Tompkins and Yates Counties</b></p> <p><a href="#">Emergency Activation Fact Sheet June 2015</a></p> <p><a href="#">Emergency Activation Memorandum June 2015</a></p> <p><a href="#">Activated Emergency Permit June 2015</a></p>	Sections 10 & 404

Source: <http://www.lrb.usace.army.mil/Missions/Regulatory/NYRegionalPermits.aspx>

# Project Seneca – Lakefront Development Plan

Watkins Glen and Montour Falls, New York

February 25, 2013



## THE PROJECT TEAM

### Laberge Group

**Ronald Laberge, P.E.** — Vice President

**Ben Syden, AICP** — Director of Planning

**Don Rhodes, P.E.** — Senior Engineer



### Synthesis, LLP

**Ian Law, RLA** — Director of Landscape  
Architecture & Urban Planning



***Project Seneca – Lakefront Development Plan***

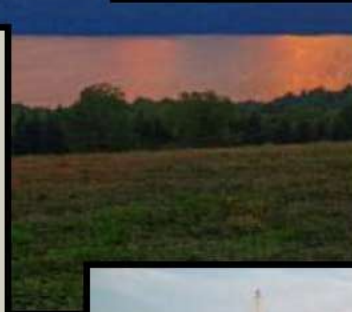
***Watkins Glen and Montour Falls, New York***





# AGENDA

- Power Point Presentation of Conceptual Plans for Watkins Glen and Montour Falls Redevelopment Sites
- Working meeting with Project Seneca Committee



*Project Seneca – Lakefront Development Plan*

*Watkins Glen and Montour Falls, New York*



## STUDY AREA: Watkins Glen Lakefront



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



*Project Seneca – Lakefront Development Plan*

*Watkins Glen and Montour Falls, New York*





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



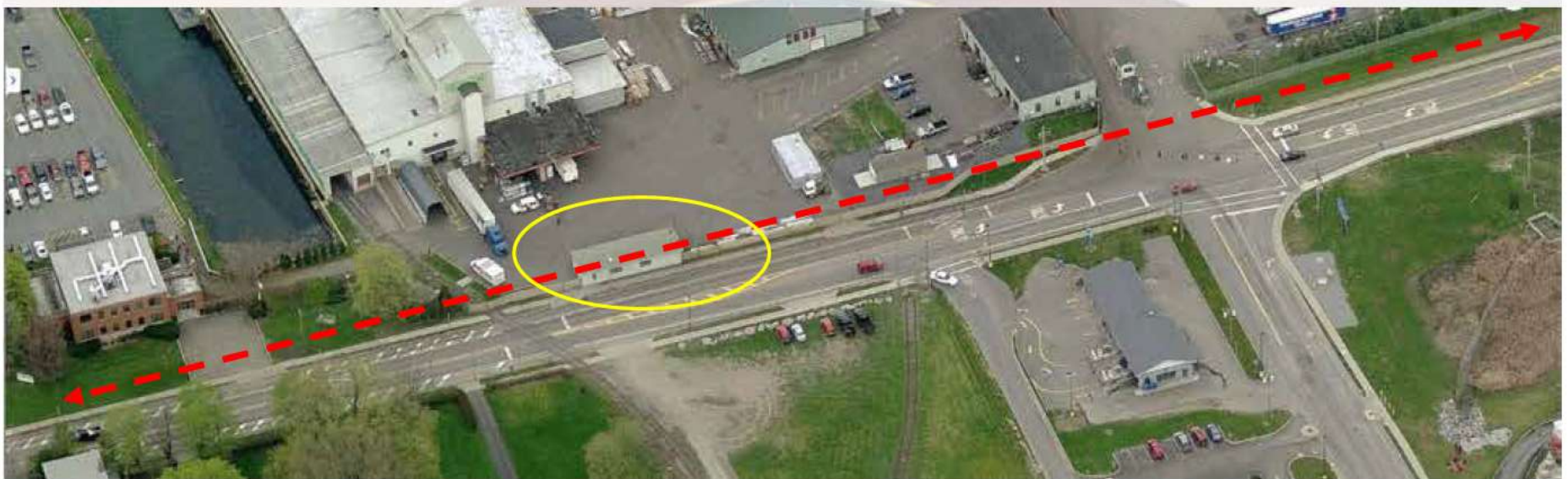
**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Waterfront Multi-Purpose Path



*Project Seneca – Lakefront Development Plan*

*Watkins Glen and Montour Falls, New York*





## Waterfront Multi-Purpose Path



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions



## Public Boat Launch / RV Park Area



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Public Boat Launch / RV Park Area



© 2013 Microsoft Corporation. Photometry Bird's Eye © 2012 MDA Geospatial Services Inc.

**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Public Boat Launch / RV Park Area Concept A



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Public Boat Launch / RV Park Area Concept B



Marina Expansion



*Project Seneca – Lakefront Development Plan*

*Watkins Glen and Montour Falls, New York*





## Public Boat Launch / RV Park Area Concept C



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Northern Gateway Area



**Possible Redevelopment Site**



**Important Axis / Poor Connection**

**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Northern Gateway Area



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Lakefront Area



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**



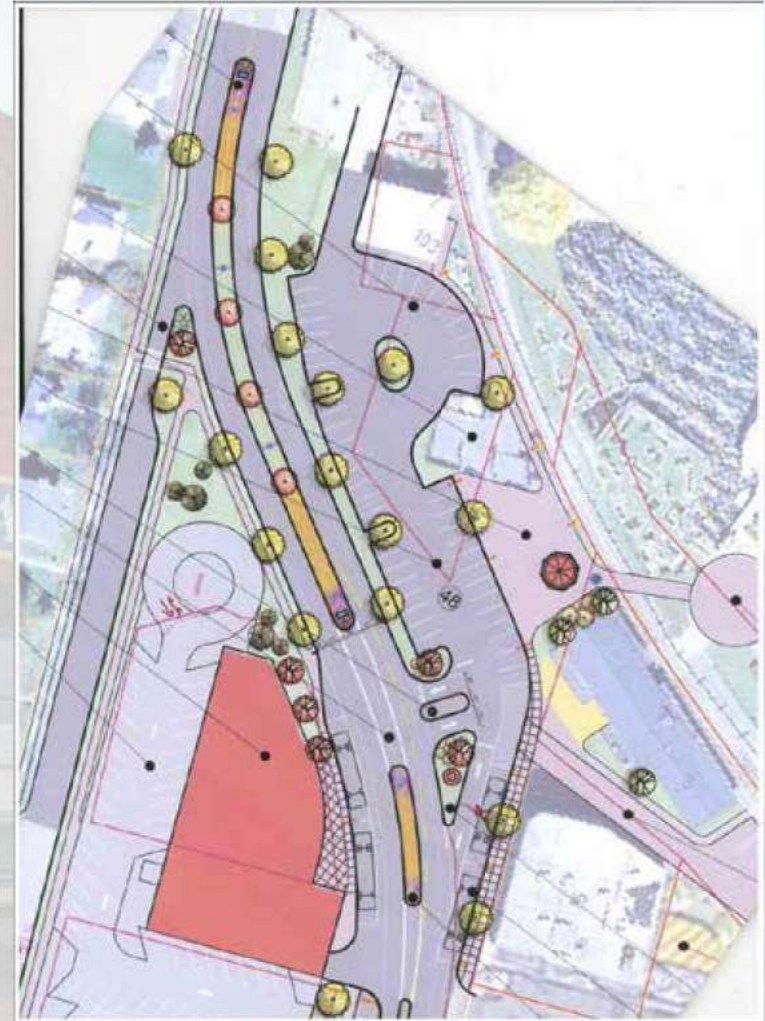


## Previous Concepts



2010- Synthesis/Laberge

## Northern Gateway



2012- Delta

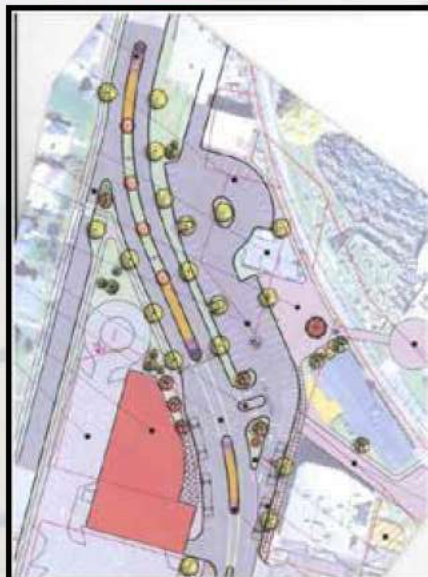
*Project Seneca – Lakefront Development Plan*

*Watkins Glen and Montour Falls, New York*





## Combined Concept



## Northern Gateway



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Lakefront Area



***Project Seneca – Lakefront Development Plan***

***Watkins Glen and Montour Falls, New York***





## Existing Conditions

## Wastewater Treatment Area



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Northern Gateway Redevelopment Concept: Alternative A



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**







*Watkins Glen and Montour Falls, New York*





# Revised Wastewater Treatment Area Redevelopment Concept



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Northern Gateway Redevelopment Concept: Alternative C



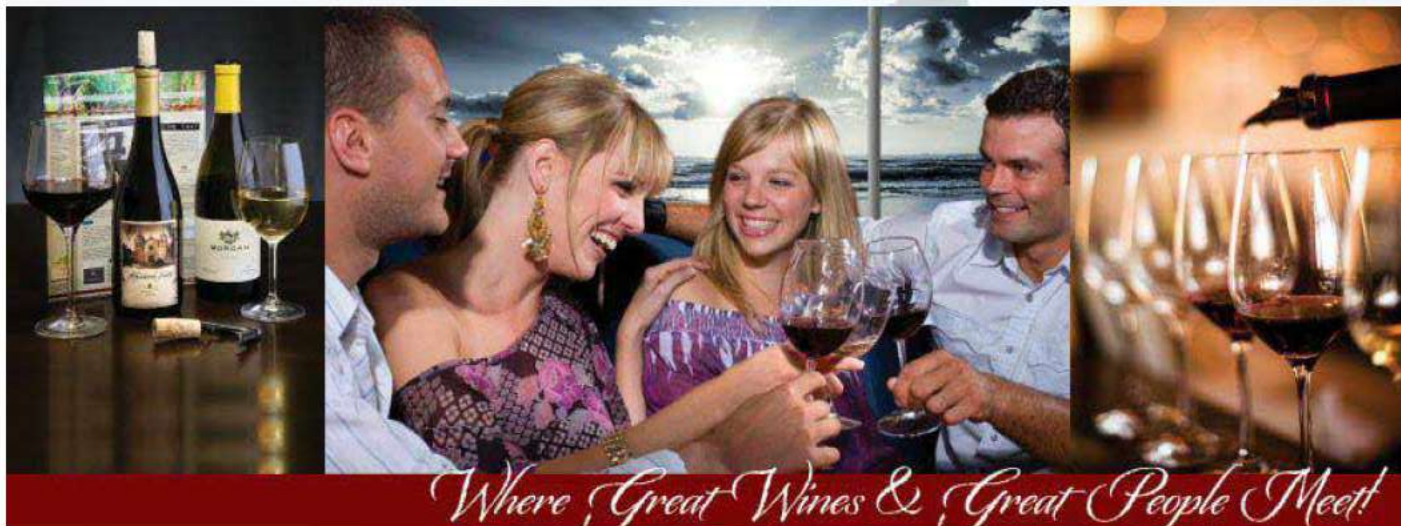
**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Northern Gateway Redevelopment Concept: Alternative C



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions

## Montour Falls Site



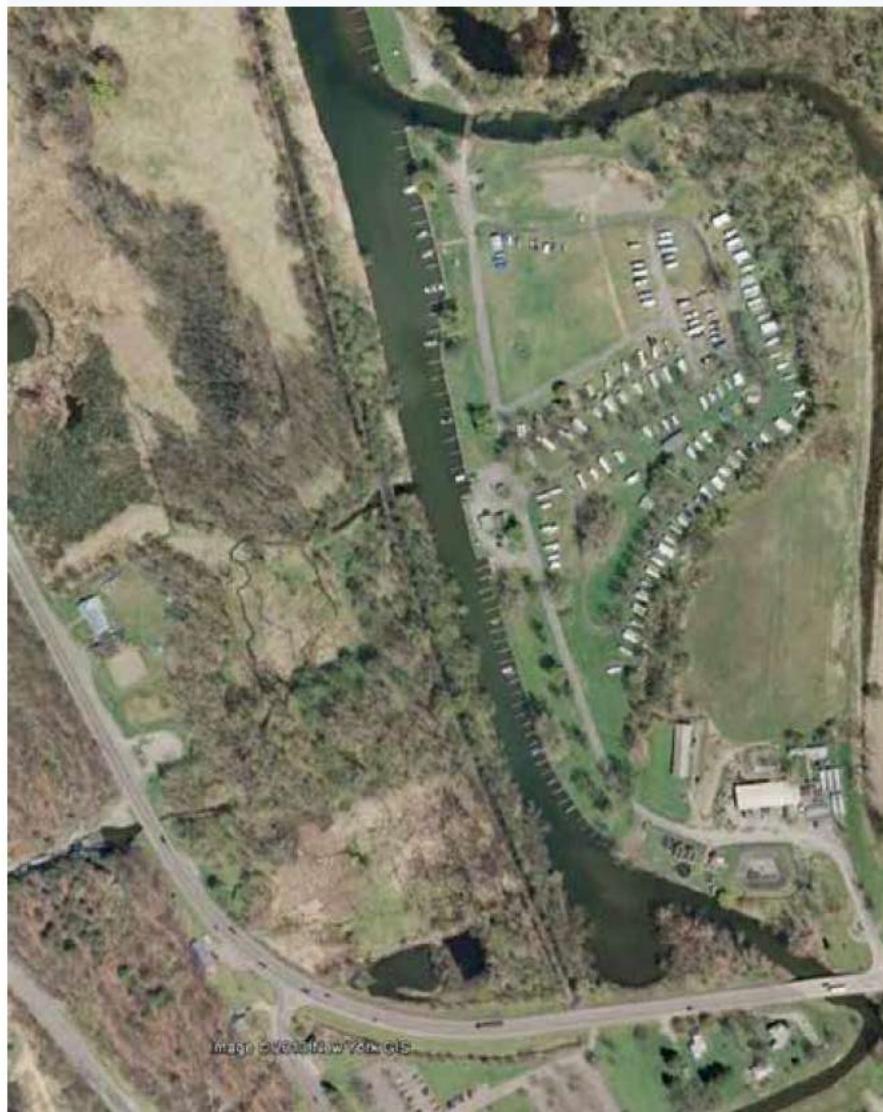
**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Existing Conditions



## Montour Falls Site



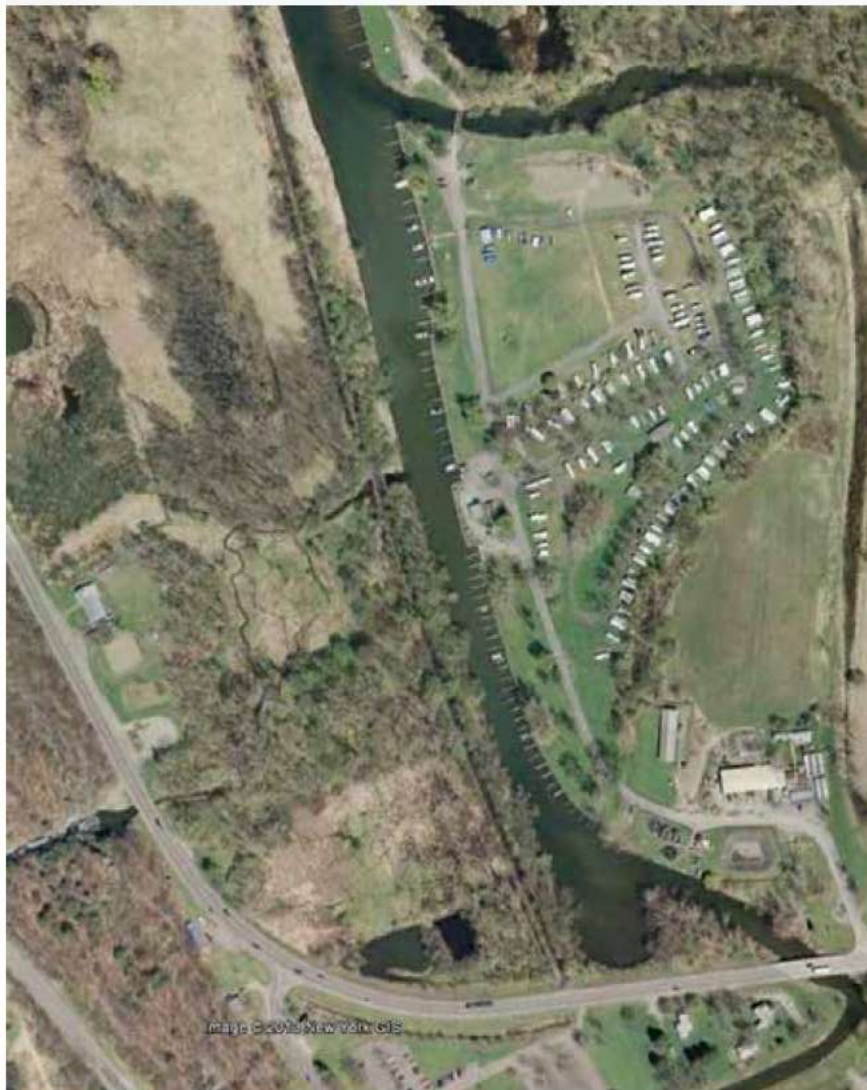
**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Montour Falls Redevelopment Concept: Alternative A



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Montour Falls Redevelopment Concept: Alternative A



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**





## Revised Wastewater Treatment Area / Montour Falls Redevelopment Concept: Alternative A



**Project Seneca – Lakefront Development Plan**

**Watkins Glen and Montour Falls, New York**







# THANK YOU

***Project Seneca – Lakefront Development Plan***

***Watkins Glen and Montour Falls, New York***



APPENDIX F : INCORPORATION OF THE VILLAGE OF WATKINS GLEN  
CHAPTER 36, LAWS OF NEW YORK, 1918

(next page)

eighteen, and all proceedings of such company and all consents and franchises granted to such company are hereby validated and extended accordingly.

§ 2. This act shall take effect immediately.

### Chap. 36.

AN ACT to revise, amend and consolidate the charter of the village of Watkins.

Became a law March 5, 1918, with the approval of the Governor. Passed, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

#### TITLE 1.

##### BOUNDARIES OF THE VILLAGE.

Section 1. **Boundaries.** The territory embraced within the following bounds shall constitute the territory of the village of Watkins, namely: Commencing at an iron pin on the west bank of Seneca lake, north twenty-three degrees fifty-seven minutes west, thirteen hundred and eighty-six feet from the north edge of the title block of the Madison street stone bridge over Quarter Mile creek; thence running south sixty-one degrees thirty-five minutes west, one thousand six hundred and ten feet to an iron pin on land now owned by Charles Mathews; thence south twenty-two degrees forty-two minutes east, seven thousand eight hundred and fourteen feet to an iron pin in the center of the highway; thence north eighty-one degrees twenty-three minutes east, one thousand one hundred and thirty-five feet along the center of the said highway to an iron pin in the intersection of the centers of said highway known as the Corning road; thence south seventy degrees ten minutes east, one thousand one hundred and seventy-three feet to an iron pin in the intersection of the south line of the Schuyler county agricultural fair grounds and the east line of Franklin street; thence north sixty-nine degrees four minutes east, five thousand ninety feet along said south line of said Schuyler county agricultural fair grounds, and that line produced to an iron pin in the east line of the highway known as Rock Cabin road; thence north sixteen degrees twenty-six minutes west, four hundred and ninety-

three feet to an iron pin; thence north twenty degrees forty-eight minutes west, eight hundred and forty-two feet to an iron pin; thence north seventeen degrees fifty-two minutes west, one thousand seven hundred and sixty-eight feet to an iron pin near face of rocks; thence north seven degrees forty-one minutes west, four hundred and one feet to an iron pin near face of rocks; thence north twelve degrees fifty-two minutes west, one thousand two hundred and ninety feet to an iron pin near face of rocks; thence north sixteen degrees thirty minutes west, six hundred and seventy-seven feet to an iron pin driven among the roots on the south side of a large elm tree near the old toll gate spring; thence north eight degrees forty-five minutes west, seven thousand one hundred and thirty feet across Seneca lake to the place of beginning. All the above bearings are referred to the true meridian.

#### TITLE 2.

##### CORPORATION CONTINUED.

§ 3. **Name; continuance; general municipal powers.** The inhabitants, residents within the territory aforesaid, shall continue to be a municipal corporation and to be known in law by the corporate name of the "Village of Watkins," and by that name they and their successors shall have perpetual succession, shall be capable of suing and being sued, complaining and defending in any court; may make and use a common seal, and alter the same at pleasure; and shall have power to hold, purchase and convey such real and personal estate as the purposes of the corporation may require.

#### TITLE 3.

##### OFFICERS; THEIR ELECTION AND APPOINTMENT.

§ 10. **Elective officers; terms of office.** The officers of said village shall be elected by ballot by the electors of said village and shall hold their offices respectively as herein provided and until their successors shall be duly qualified, and shall be a president who shall be elected for one year and six trustees, each elected for three years so that the president and two trustees shall be elected at each annual election in place of those whose term of office shall expire. The present trustees of said village shall continue in office for the terms for which they were respectively elected. One treasurer shall be elected for a term of one year, and three assess-

## APPENDIX G GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS WHERE LOCAL WATERFRONT REVITALIZATION PROGRAMS ARE IN EFFECT

### I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the Village of Watkins Glen whenever an identified action will occur within an area covered by an approved Village of Watkins Glen LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist the Village of Watkins Glen in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by the Village of Watkins Glen that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

### II. DEFINITIONS

- A. **Action** means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved Village of Watkins Glen LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the approved Village of Watkins Glen LWRP.
- B. **Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of the approved Village of Watkins Glen LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of the approved Watkins Glen LWRP, then the action must be one:
  - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;



2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  3. That will result in an overriding regional or statewide public benefit.
- C. **Local Waterfront Revitalization Program** or **LWRP** means a program prepared and adopted by a Village of Watkins Glen and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the Mayor of the Village of Watkins Glen.
- E. **Local program coordinator** is the Planning Board, which is responsible for the preliminary review of proposed actions within the waterfront area for consistency with the approved Watkins Glen LWRP and consistency recommendations for the final determination of consistency that will be made by the Village of Watkins Glen.

### III. **NOTIFICATION PROCEDURE**

- A. When a state agency is considering an action as described in II.DEFINITIONS, the state agency shall notify the affected Village of Watkins Glen.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and the Village of Watkins Glen.
  3. Should be provided to the Village of Watkins Glen as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Waterfront Assessment Form with the Mayor should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the municipal chief executive officer can serve as the state agency's notification to the affected Village of Watkins Glen.

### IV. **LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the Village of Watkins Glen will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Planning Board of the Village of Watkins Glen, the state agency should promptly provide whatever additional information and could assist the Village of Watkins Glen to evaluate the proposed action.

- B. If the Village of Watkins Glen cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the Village's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Village of Watkins Glen does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the Village's approved LWRP.
- D. If the Village of Watkins Glen notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. RESOLUTION OF CONFLICTS shall apply. The Mayor or the Planning Board of the Village of Watkins Glen shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the Village of Watkins Glen shall identify the specific policies and purposes of its approved LWRP with which the proposed action conflicts.

**V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever the Village of Watkins Glen has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  - 1. Upon receipt of notification from the Village of Watkins Glen that a proposed action conflicts with its approved LWRP, the state agency should contact the Planning Board of the Village of Watkins Glen to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the Village of Watkins Glen.
  - 2. If the discussion between the Village of Watkins Glen and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the Village of Watkins Glen shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  - 3. If the consultation between the Village of Watkins Glen and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion

between the Village and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and the Village of Watkins Glen.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.